

123

CHARTER

OF THE

CITY OF KINGSTON

PASSED MAY 29, 1872,

AND AS

Amended in 1875 and 1877.

ALSO,

CITY ORDINANCES.



KINGSTON :

H. G. CROUCH, PRINTER, ARGUS OFFICE.

1877.

352.0747

K610r

1872-77

6-7-78

CHARTER.

AN ACT to incorporate the city of Kingston.

Passed March 29, 1872; three-fifths being present.

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED
IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS :

TITLE I.

OF THE BOUNDARIES AND CIVIL DIVISIONS, RIGHTS AND
POWERS OF THE CORPORATION.

SECTION 1. All that district of country in the town of
Kingston, in the county of Ulster, comprised within the
following boundaries, to-wit: Beginning at a point in the
middle of the Esopus creek, in the boundary line between
the lands of William P. Brink and Rachel Cole; thence
down the Esopus creek through the middle thereof, to a
point intersected by the division line extended west be-
tween Christopher L. Kiersted and Cornelius M. Van
Leuven, bounding on the south the road leading to the
house of Christopher L. Kiersted, and runs from thence
south sixty-four degrees, thirty minutes, east one hundred
and twelve chains and eighty links, to the Flatbush road;
thence easterly in a straight line to the most northerly

Bound-
aries.

p 41601

Political Science Research Bureau Dec 30 No 17 Statute Book Co

City of
Kingston.

corner of the base of the chimney of the lime mill erected by Elihu Brown, on the lands formerly of A. A. Denman; thence in a straight line at right angles with the channel of the Hudson River to the middle thereof, being the easterly bounds of the county of Ulster; thence southerly along said bounds to the bounds of the town of Esopus; thence up and along the said bounds of the town of Esopus, through the middle of the channel of the Rondout creek as it now winds and turns, to a point directly opposite the easterly end of Lawrence's dock; thence north-westerly in a straight line to the middle of the Esopus creek at the place of beginning, shall be a city known as "The city of Kingston;" and the citizens of this State, from time to time inhabitants within the aforesaid limits, shall be a body corporate and politic by the name of "The city of Kingston," and as such shall have the rights, powers and privileges conferred by the statutes of this State upon corporations, as well as those conferred by this act, which shall be known as the charter of said city.

§ 2. The said city shall be divided into nine wards, as follows :

FIRST WARD.

First
ward.

All that part of said city lying on the northerly side of the middle of Albany avenue and St. James street, and east of the middle of Green street and Frog alley, shall be known as ward number one.

SECOND WARD.

Second
ward.

All that part of said city bounded as follows: Beginning at the junction of Union avenue and Foxhall avenue; thence through the middle of Foxhall avenue to the middle of Prince street; thence in a straight line being a

prolongation easterly of the middle line of Prince street to the middle of Clifton avenue; thence through the middle of Clifton avenue to its junction with Sherman street; thence through the middle of Sherman street and the Flatbush road to a point where the northerly bounds of the city crosses the Flatbush road; thence along the northerly bounds of the city to the middle of Albany avenue; thence south-westerly through the middle of Albany avenue and St. James street to the middle of Union avenue; thence through the middle of Union avenue to the place of beginning, shall be known as ward number two.

THIRD WARD.

All that part of said city bounded as follows: Beginning at a point in the middle of the channel of the Rondout creek where a prolongation of the middle line of Prospect street would strike the same; thence along the said prolongation and the middle line of Prospect street to Mill street; thence continuing in the same direction to the middle of Columbus Point avenue; thence north-westerly along the middle of said avenue to the Rondout and Oswego Railroad; thence along the said railroad to a point where a prolongation of the middle line of the longest part of Hopkins street would strike the same; thence along said prolongation and the middle line of Hopkins street to the middle of Clifton avenue, Sherman street and the Flatbush road, being the easterly bounds of the second ward to the northerly bounds of the city; and thence along the northerly, easterly and southerly bounds of the city to the place of beginning, shall be ward number three.

FOURTH WARD.

All that part of said city bounded by the second and

Third
ward.

Fourth
ward.

third wards, the middle of the channel of the Rondout creek and a line drawn from the middle of the channel of said creek to and along the middle of Hasbrouck avenue, Stuyvesant street and Union avenue, shall be ward number four.

FIFTH WARD.

Fifth
ward.

All that part of said city bounded by the fourth ward, the middle of the channel of the Rondout creek, the middle line of Union avenue and Division street and a prolongation thereof to the middle of the channel of the Rondout creek, shall be ward number five.

SIXTH WARD.

Sixth
ward.

All that part of said city bounded by the fourth and fifth wards, the middle of the channel of the Rondout creek and a line drawn from the junction of Union avenue and Foxhall avenue directly to the middle of Hone street where it enters Holmes street; and thence along the middle of Hone street to the end thereof; and thence continuing in the same direction to the middle of the channel of the Rondout creek, shall be ward number six.

SEVENTH WARD.

Seventh
ward.

All that part of said city bounded by the sixth ward, the middle of the channel of the Rondout creek, and a line drawn from a point in the middle of said channel opposite to the most westerly corner of the Knickerbocker ice house, directly to the most easterly corner of the Wiltwyck cemetery; and thence directly to the junction of Union avenue and Foxhall avenue, shall be ward number seven.

EIGHTH WARD.

Eighth
ward.

All that part of said city lying west of the line described

as follows : Beginning in the middle of the channel of the Rondout creek opposite the most westerly corner of the Knickerbocker ice house in the bounds of the seventh ward ; thence along the bounds of the seventh ward in a straight line to the most easterly corner of Wiltwyck cemetery ; thence along the line of said cemetery to the most southerly corner thereof ; thence in a straight line to Wall street where it intersects the old Wilbur road at the crossing of the Wallkill Valley Railway ; thence through the middle of Wall street to St. James street ; thence through the middle of St. James street to Green street, and thence through the middle of Green street and Frog alley to the Esopus creek, shall be ward number eight.

NINTH WARD.

All that part of said city bounded as follows : Beginning at the most southerly corner of Wiltwyck cemetery, and running thence along the eighth ward to Wall street, and through Wall street to St. James street ; and thence through the middle of St. James street along the first ward to Union avenue ; thence through the middle of Union avenue to the junction of Foxhall avenue ; thence in a straight line to the easterly corner of Wiltwyck cemetery ; and thence along the southerly bounds of said cemetery to the place of beginning, shall be ward number nine.

Ninth ward.

TITLE II.

OF OFFICERS, THEIR ELECTION AND APPOINTMENT.

§ 3. The officers of said city shall be a mayor, recorder, four justices of the peace, three assessors and four constables, to be elected by the city at large ; two supervisors to be elected from each department as hereinafter provided ; two aldermen and three inspectors of election, to

Amendment of 1877.

Officers. and how chosen.

be elected in each ward ; one sealer of weights and measures, a treasurer, a clerk, a superintendent of streets, sewers and city property ; one commissioner of alms, in each ward, two fire wardens in each ward, a poundmaster, a health officer, a health superintendent, three commissioners of excise, and such other officers as are hereinafter authorized, who shall be appointed by the mayor and common council, and such special policemen as may be appointed by the mayor as hereinafter provided, and such policemen as may hereinafter be provided for.

Election districts, how constituted.

§ 4. The said wards until otherwise arranged as hereafter provided shall constitute the election districts for all State, general and other elections to be held in said city, and the inspectors chosen under this act shall be inspectors of all such elections, and shall possess the powers and discharge all the duties of such inspectors ; and all provisions of law applicable to election districts and to the inspectors of elections therein shall apply to said wards and said inspectors.

Electors, qualifications of.

§ 5. Every inhabitant who shall have resided in said city for thirty days next preceding the offer of his vote, and who shall at the time and place of offering his vote, be qualified to vote for member of assembly, shall be entitled to vote for all officers to be elected by virtue of this act in the ward or district where he shall be so qualified and reside.

Election law to apply to charter elections.

§ 6. The provisions of law in respect to elections for State and county officers shall apply to elections under this act so far as the same are applicable, and are not inconsistent with this act.

Elections when held.

§ 7. An election shall be held in each of the wards of said city within twenty days after the passage of this act, and on the first Tuesday of March in each year thereafter.

The trustees of the village of Rondout, and the directors of the village of Kingston, for the time being, shall appoint the time and place of holding such first election, and shall appoint three inspectors of election in each ward, who shall hold the same, and who shall give public notice of the time and places of holding such first election, and of the officers to be chosen thereat, immediately after the passage of this act, by publishing the same in all the public newspapers printed in said villages, and by posting written or printed notices thereof in at least two public places in each ward hereby designated and defined.

§ 8. The like public notice of all future elections under this act shall be given by the mayor and common council herein authorized to be elected, by notice to be published at least two weeks before the time of holding such future elections; and at such first and every subsequent election so to be held under this act two inspectors of election shall be elected in each ward in the manner prescribed by law.

Notices of elections.

§ 9. The city clerk shall give notice in writing of every election to be held under this act, to the inspectors of election of the several election districts in said city, at least one month before the day of election, and said inspectors shall proceed as provided by the general laws of the State in relation to elections other than in towns. They shall provide one ballot box to be marked "city." All the ballots used shall be indorsed "city," and shall contain the votes of the electors depositing them for all the offices to be filled at the election.

Clerk to give notice to inspectors.

Ballot-boxes and ballots.

§ 10. The polls of the election in the several election districts, at the said city elections, shall be opened at eight o'clock in the morning of the day of election, and shall be kept open, without intermission or adjournment, until five

Polls when to open and close.

o'clock in the afternoon, when they shall be finally closed, and the inspectors shall forthwith, without adjourning, canvass the votes received by them, and certify and declare the result, stating the number of votes given for each person for each office, and shall file such statement or certificate on the same day or the next with the city clerk. Such statement of the first election to be held under this act shall be made in duplicate, and one filed with each of the clerks of the villages of Rondout and Kingston.

State-
ments of
election to
be filed.

Joint con-
vention of
trustees.

§ 11. The trustees of the village of Rondout and the directors of the village of Kingston shall meet in joint convention on the first Monday following the said first election under this act, at Fireman's Hall, in the village of Kingston, at ten o'clock in the forenoon, and the statement of the inspectors shall be produced by the clerks. The said board shall then forthwith determine, declare and certify, in the manner now provided by law, who is elected to the office of mayor, and who are elected to the various other offices hereinbefore named, and appointing for each ward a third inspector of elections as prescribed by law. Such certificates shall be made in triplicate, one of which shall be filed with each of the said village clerks and be delivered to and filed with the city clerk as soon as he shall have qualified, and the other with the clerk of Ulster county, and thereupon the offices of said trustees and directors and of all other village officers shall cease. And the mayor and aldermen so declared elected, shall thereupon take the oath of office prescribed by the Constitution, and the common council shall be organized. On the Monday next following the election for city officers in each year thereafter the common council of the preceding year shall convene at ten o'clock in the forenoon at

Certifi-
cates of
election.

Meetings
of common
council.

their usual place of meeting, and the statement of votes filed with the city clerk by the inspectors of election shall be produced by the clerk. The common council shall then forthwith determine, declare and certify who were duly elected at said election to the various offices hereinbefore named, and appoint for each ward a third inspector of elections as prescribed by law, which certificate shall be filed with the city clerk. The mayor and such of the aldermen as shall have been elected at said last election shall thereupon take the oath of office prescribed by the Constitution, and the common council of the preceding year shall thereupon be dissolved, and the common council, composed of the mayor and aldermen then elected and those whose term of office shall not have expired, shall then be organized. All city officers elected under this act, except justices of the peace, shall enter upon their respective offices on Monday next following their election.

Oath of
office.

After said first election each of said village clerks, and after each subsequent election the city clerk, immediately upon the filing with him of the certificate specified in this section, shall notify, in writing, every person so certified to have been elected of his election. Every person elected to any office under this act, before entering on the same, shall take the oath of office prescribed by the constitution of this State before the mayor or some person authorized to take affidavits to be read in courts of justice, and file the same with the city clerk, except the mayor, justices of the peace, recorder and clerk, whose oaths shall be filed with the clerk of Ulster county. If any person appointed or elected to any office under the provisions of this act shall not, within ten days after notification of his election or appointment, take the required oath of office, and file the same with the city clerk, and give the security required

Clerk to
give
notice to
parties
elected.

Official
oath,
when to
be taken.

Penalty
for refusal
to serve.

of him by the provisions of this act, or lawfully required of him by the common council, the common council may treat such neglect or omission as a refusal to serve, and declare vacant the office to which such person was elected or appointed, in which case the vacancy shall be forthwith filled as herein provided; and such person, for such neglect or refusal, shall also forfeit to the use of the corporation the sum of twenty-five dollars, to be recovered in the corporate name of said city. At said first election, and at each subsequent election under this act, the common council shall fill any office by appointment, in case of a tie vote, stating the fact of appointment in said certificate. All full terms of office filled either by election or appointment, shall commence on Monday following the annual election, except as otherwise provided in this act.

Term of
office of
mayor
and alder-
men.

§ 12. The mayor and aldermen shall hold their offices respectively for the term of two years, but at the first election under this act, two aldermen from each ward shall be elected, one of whom from each ward shall hold his office for one year only. At the first meeting of the common council after such election it shall be determined by lot which one of the two elected from each ward shall hold his office for one year, and which one shall hold his office for two years. At each annual election thereafter one alderman shall be elected for each ward, and shall hold his office for two years.

Office of
police
justice
abolished.

§ 13. The office of police justice of the town of Kingston is hereby abolished, and all acts in relation to the office of police justice in said town are hereby rescinded, to take effect as soon as the recorder shall have been elected, and shall have qualified and entered upon his office. At the first election and every third year thereafter, a recorder shall be elected, who shall hold his office

Recorder,
term of
office.

for the term of three years, and until his successor shall qualify and enter upon his office. The salary of the recorder shall be fixed by the common council, and shall not exceed six hundred dollars a year.

§ 14. Each justice of the peace of the town of Kingston residing in the city of Kingston when this act takes effect shall qualify according to law as a justice of the peace in said city, and shall continue to hold his office for the full term for which he was elected, and until his successor shall qualify and enter upon his office, in the same manner in all respects, and shall possess the same powers, and be subject to the same provisions as if he had been elected under this act. At the annual city election next preceding the expiration of the term of either of said justices, and every fourth year thereafter a justice of the peace shall be elected, who shall hold his office for the term of four years, commencing on the first day of January next succeeding his election.

Justices of
the peace,
when
elected.

§ 15. At said first election there shall be elected three assessors, whose respective terms of office shall be determined by lot, by the common council, at their first meeting, as to which one shall hold for one year, which for two years, and which for three years; and thereafter an assessor shall be elected at each annual city election, who shall hold his office for three years; not more than one assessor shall be a resident of any one department as hereinafter provided. The compensation shall be three dollars for each day actually employed in performing the duties of his office, which amount shall not exceed two hundred dollars for each assessor in any year.

Assessors,
how
chosen.

§ 16. All officers appointed or elected under this act, except mayor, recorder, justices of the peace, assessors and aldermen, also and except as further excepted in this act

Compensation.

Terms of
office of
all city
officers.

Power of
removal.

shall hold their offices for one year, and until their successors shall qualify. But the common council may remove any officer for cause, and may fill all vacancies in office by appointment; but no elective officer shall be removed without notice of the charges against him, and an opportunity to be heard in his defense. And if a

Vacancies
how filled.

vacancy shall happen in an elective office, the common council shall fill the same by appointment until the next annual election, when the residue of the term of office, if there be any unexpired, of the officer whose term shall have become vacant, shall be filled by some person to be elected to such office for the residue of such term, according to the provisions of this act.

Qualifica-
tions for
office.

§ 17. No person shall be elected or appointed to any city office unless he be a resident elector of said city, nor to any ward or district office unless he be a resident elector of the ward or district for which he is elected or appointed; and whenever any officer of said city shall cease to be a resident of said city, or the ward or district for which he was elected or appointed, his office shall thereby become vacant. The mayor, aldermen and assessors shall be free holders of said city.

Resigna-
tions, how
made.

§ 18. The resignation of any office held under the provisions of this act shall be made to the common council in writing, and filed with the clerk of the city; and no resignation shall take effect until the common council shall have accepted the same.

Treasurer
to be tax
receiver.

§ 19. The treasurer shall perform the duties of tax receiver and collector, and before entering upon the duties of his office, shall enter into a bond to the city of Kingston in such penal sum as may be fixed by the common council, with two or more sureties to be approved by the mayor, conditioned for the faithful collection of all

To give
bond.

taxes and assessments, which may be placed in his hands for collection, and pay over and account for the same according to law, and for the faithful performance of the duties of his office as prescribed by this act ; which bond when so approved, and indorsed by the mayor, shall be filed in the office of the clerk of the county of Ulster, who shall place the same on record as required in the case of collectors of towns and wards. Said bond shall be a lien on all the real estate of said treasurer and his sureties in the county of Ulster, and shall continue to be such lien until the condition, together with all the costs and charges which may accrue from the prosecution thereof, shall be fully satisfied.

Bond to
be a lien
on real
estate.

§ 20. Such other officers as may be required by the common council shall severally, before they enter upon the duties of their offices, execute and file a bond with the clerk of the city of Kingston, in such sum as the council shall direct, and with such sureties as the mayor shall approve, conditioned that they shall faithfully discharge the duties of their respective offices and pay over all moneys received by them respectively.

Officers to
file bond,
when
required.

§ 21. Every person elected to the office of constable in such city shall, before he enters on the duties of his office, execute with two sureties, to be approved by the mayor, an instrument in writing, which shall be acknowledged by all the parties in the manner that deeds are required to be acknowledged by law, and filed with the city clerk, and by which said constable and his sureties shall jointly and severally agree to pay, to each and every person who may be entitled thereto, all such sums of money as said constable may have become liable to pay by reason or on account of any execution or other precept which shall have been delivered to him for collection. All actions on

Constable
to execute
bond.

any such instrument shall be prosecuted within two years after the expiration of the year for which such constable shall have been elected or appointed, and may be brought in the name of the person or persons entitled to any money to be collected by virtue of said instrument. A copy of said instrument, certified by the clerk, under the city seal, shall be presumptive evidence in all courts, of the execution thereof by said constable and his sureties.

Failing to
execute
bond,
office
vacant.

§ 22. If any officer who shall be required by any of the provisions of this act or by any ordinance of the common council to execute any bond before or after entering upon the duties of his office, shall fail to execute the same in the manner prescribed by this act or by any such ordinance, within ten days after he shall have been duly notified to do so, the common council may declare his office vacant, and proceed to cause the same to be filled in manner provided in this act in cases of vacancies in offices.

No mem-
ber of
common
council to
be ap-
pointed to
any office
but com-
missioner
of excise.

§ 23. No member of the common council shall be appointed by the common council to fill any office except that of commissioner of excise; nor shall any alderman or the mayor be in any manner, directly or indirectly, interested in any contract to which the city may be a party; and any such contract in which any such officer may be or become interested shall thereby and thereupon be and become void.

Penalty
for not
delivering
papers to
successor
in office.

§ 24. If any person having been in office in said city shall not, within ten days after notification and request, deliver to his successor in office all property, papers and effects of every description in his possession or under his control belonging to the said city, or appertaining to the office so held, he shall forfeit and pay to the use of said city one hundred dollars, besides all damages caused by his neglect or refusal so to deliver.

TITLE III.

OF THE COMMON COUNCIL.

§ 25. The mayor and aldermen of the city shall constitute the common council thereof. The common council shall meet at the council rooms, or at such place as the mayor shall designate, annually on the first Tuesday next after the annual election in each year, and at such times and places as hereinafter provided. At all meetings of the common council, the mayor, when present, shall preside, and in his absence one of the aldermen shall be called to the chair.

Common council, how constituted.

Mayor to preside.

§ 26. In the proceedings of the common council, each member present shall have a vote, except the mayor when presiding, who shall have only a casting vote when the votes of the other members are tied.

Mayor to have a casting vote.

§ 27. The sittings of the common council shall be public, except when the public interests shall require secrecy. The minutes of the proceedings shall be kept by the city clerk, and the same shall be open at all times to public inspection.

Session to be public.

§ 28. A majority of the common council shall be a quorum for the transaction of business, but no tax or assessment shall be ordered, nor any appointment to office made except by a concurring vote of a majority of all the members of the common council in office, including the mayor, who shall be entitled to vote thereon as a member of the council. And no tax, levy, assessment, bill, order, resolution or ordinance shall take effect until the same shall receive the approval of the mayor, as hereinafter provided.

Amendments of 1877.

Quorum. Tax, assessment and appointment majority vote required.

§ 29. The common council shall hold stated meetings at least twice in each month; and the mayor, or in his absence, any three aldermen, may call special meetings

Meetings when to be held.

by notice in writing served personally upon the other members of the council, or left at their usual place of abode.

Determine
its own
rules.

§ 30. The common council shall determine the rules of its own proceedings, and be judge of the election and qualifications of its own members, and have power to compel the attendance of absent members from time to time; to prescribe the duties of all the officers and persons appointed by them to any place whatever, subject to the provisions of this act.

All claims
to be re-
ferred to
auditing
commit-
tee.

§ 31. All accounts and claims against the said city, and all accounts and claims for services rendered or moneys expended by any officers within said city, which would be charges and accounts against a town, if they were rendered or expended by the officers thereof, shall be presented to the common council, and the same shall be referred to a standing committee of said board, to be composed of one member from each department to be called "committee on auditing accounts." It shall be the duty of said committee to inquire or examine into said accounts, and they may send for persons and papers, and may examine the claimant on oath in relation thereto. The said committee shall report the matters referred to them to the common council, either favorably or adversely, with their reasons, and the said common council shall then hear, examine and determine the same as a board of town auditors, and for that purpose shall possess the powers and be subject to the duties of town auditors.

Common
council
may re-
quire
attend-
ance of
witness
before
them.

§ 32. The common council, or any committee thereof, shall have power to issue a summons to any person to appear and testify before them, in respect to any matter pending before or referred to them. Such summons may be served at any place within the county of Ulster, in the same manner as subpoenas for witnesses in criminal cases.

Any person who shall refuse to attend in obedience to any such summons may be arrested by an order or attachment, which may be issued by the mayor or recorder upon proof of the service of such summons and of such refusal, and be committed to the county jail or other proper place of detention, until he shall appear or testify as required. Such witness so refusing to attend may also be fined or imprisoned for disobedience of such summons, by the mayor or recorder, in the manner and to the same extent as witnesses refusing to attend in obedience to a subpoena duly issued by a justice of the peace. Whenever any person summoned as a witness before said common council, or any committee thereof, shall refuse to be sworn or affirmed or to answer any proper or pertinent question, the mayor or recorder, on complaint made, may forthwith commit such person to the county jail, or other proper place of detention, for a period not exceeding twenty days, or until he shall be sworn or affirmed, or answer such questions. Such commitment shall be made by a warrant directed to the sheriff of the county, or other officer having such place of detention in charge, and shall recite the cause of such commitment, and such officer shall keep such person in close confinement as directed thereby.

Penalty
for re-
fusing to
attend or
testify.

§ 33. The common council shall exercise all the corporate powers mentioned in the first section of this act, and shall have the control and management of the property, both real and personal, belonging to the corporation, and all the finances thereof; and no debt or liability which may become a charge against said city or corporation shall be created or contracted, except by the authority of said common council; and, in addition to such other powers as may be herein conferred upon it, the said common council shall have full power:

Corporate
power.

No debt
to be con-
tracted
except by
authority
of com-
mon
council.

To have
custody of
books, etc.

1. To provide for the care, custody and preservation of the public property, books, records and papers belonging to said city or corporation; to prevent or punish any injury to or trespass upon the same; to make any and all necessary repairs and improvements to the same, and to cause any part thereof to be insured when they shall deem it necessary.

To pre-
serve
order.

2. To protect the inhabitants in their persons and property, suppress disorderly assemblages, preserve peace and good order, and promote the welfare and good government of the corporation.

To define
powers
and duties
of officers.

3. To prescribe and define the powers and duties of the officers of said city, and in case an officer shall have duties specified by this act, to prescribe such additional duties as they may deem the interest of the city to require, and as shall not be inconsistent with this act.

To punish
vagrants.

4. To restrain and punish vagrants, mendicants, street beggars and persons soliciting alms, keepers of houses of ill fame, common prostitutes, lewd and disorderly persons, and to prevent and punish drunkenness and disorderly or immoral conduct in public places and streets.

To pre-
vent
gathering
of persons
on public
streets.

5. To prohibit the gathering or assembling of persons upon the public streets of said city, or congregating upon the corners of the streets thereof, and to authorize the constables and police officers of said city to disperse all such gatherings or assemblages of persons, and upon the refusal of persons so congregated or assembled to disperse when commanded so to do by a constable or duly appointed police officer, under regulations to be prescribed by the common council, such constable or police officer may make summary arrest of any person or persons so refusing, and take him or them forthwith before the recorder or a justice of the peace of said city to be by him tried as

disorderly persons, and punished as such, and all such persons are hereby declared to be disorderly persons.

6. To fix and determine the compensation of the officers of the city where the same is not otherwise provided for by law or this act, and to see that they perform faithfully and correctly their several duties, and that proper measures are taken to punish neglect of duty in any of them.

To fix
compensation of
officers.

7. To audit such accounts and claims against the corporation as are made out in items and verified, and order the payment of such as shall be allowed, and to make such other rules and regulations in regard to the same as they may deem necessary and proper.

To audit
acc unts.

8. To call special meetings of the inhabitants of said city whenever in their judgment the same shall be required by the public interest, and to carry into effect any lawful resolution adopted at said meetings, or at the annual election.

To call
meetings.

9. To examine the accounts of the treasurer, from time to time, and prescribe the manner of paying out and accounting for moneys received by him for the city.

To exam-
ine ac-
counts of
treasurer.

10. To exercise exclusively within the city the powers vested in the justices of the peace by the second section of the first article of the eighth title of the twentieth chapter of the first part of the Revised Statutes.

To exer-
cise pow-
ers of jus-
tices of
the peace.

11. To establish and regulate a public pound and to restrain cattle, horses, sheep, swine, dogs, geese and other animals and fowls from running at large in said city, and to authorize the distraining, impounding and sale of the same (except dogs), for the penalty incurred and the cost of keeping and proceedings; and to make regulations for taxing and confining dogs, and for destroying such as may be found running at large, contrary to any ordinance, and to regulate their running at large.

To estab-
lish a pub-
lic pound.

- To prohibit gambling. 12. To prohibit all kinds of gambling, and to regulate billiard rooms and nine-pin or ball-alleys.
- To suppress houses of ill-fame. 13. To suppress and restrain disorderly houses and houses of ill-fame.
- Bathing. 14. To regulate and prevent bathing in the Rondout and Esopus creeks, and other waters within the city.
- Racing. 15. To prevent immoderate driving and racing in said city.
- To regulate burials. 16. To prohibit and regulate the burial of the dead and public burial grounds within the city.
- To license exhibitions, etc. 17. To regulate by license or prohibit the exhibitions of any circus, caravan, theatre, curiosities, tricks of legerdemain, or other shows or entertainments.
- Auction sales. 18. To regulate by license or prohibit auction sales in said city, and hawking and peddling in the streets of said city.
- To cause maps of city and wards to be made. 19. To make or cause to be made maps of the city and of the wards thereof, and to survey and designate the boundaries of said city, and of the streets, highways and public grounds thereof, and to designate and alter the names of said streets, and the numbers of all lots and buildings.
- To prevent encroachments on streets. 20. To prevent any encroachment, incumbrance or obstruction in or upon any street, sidewalk, highway, public grounds or public docks in said city; and in case of the neglect or refusal of any person who shall have caused any such encroachment, incumbrance or obstruction, or of the owner or occupant of any premises upon which shall be any building, fence or other structure or thing encroaching upon, incumbering or obstructing any street, sidewalk, highway, public ground or public dock or wharf in said city, to remove the same after being notified so to do, the common council shall have power to cause such

removal at the cost and expense of such person, or of such owner or occupant, and to collect such cost and expense as hereinafter provided.

21. To compel the owner or occupant of any premises in said city to clear the same of any dirt, snow or ice, or other substance or material off the sidewalk and out of the gutter in front of such premises, and in case of the neglect or refusal of the owner so to do, to cause the same to be done at the expense of such owner or occupant, and to collect such expense as hereinafter provided.

To cause sidewalks to be cleared of snow, etc.

22. To require any turnpike, plank, flagstone, railroad or other road, corporation or company, to keep the street or highway through which its road may pass in said city, and the gutters and drains thereof, in good condition and repair; to lay or relay such road according to the established grade of such street or highway, or such parts of the same as the common council may prescribe and direct, and to remove all incumbrances or obstructions which such corporation or company have placed or caused to be placed upon such street or highway, without unnecessary delay, and in case such corporation or company shall refuse or neglect to do any of the acts so required, the said common council shall have power to cause the same to be done at the cost and expense of such corporation or company, and such cost or expense, to be fixed or determined by the said common council, may be collected as hereinafter provided.

To compel gutters, etc., to be kept in good condition.

23. To regulate and surperintend the laying of all gas pipes in said city, and to require any corporation or company after laying or repairing such pipes in any street or highway in said city, to put such street or highway in good condition or repair, and to remove all incumbrances or obstructions which such corporation or company may

To regulate laying of gas pipes, etc.

have placed or caused to be placed in any such street or highway, without any unnecessary delay, and to require such corporation or company to keep proper signal lights burning at night at all holes or ditches or other places which may have been rendered dangerous to persons traveling such streets or highways; and, in case such corporation or company shall neglect or refuse to do any of the acts so required of it, the said common council shall have power to cause the same to be done at the cost and expense of such corporation or company, and to collect such cost and expense by suit, at law, or as hereinafter provided.

To regulate erection of structures, etc., over streets.

24. To prevent or regulate the construction and erection of any building, board, awning or other structure which shall project into or over any street or sidewalk in said city, and the hanging or suspending of any goods, signs, sign-boards, or any other thing whatever in or over any such street or sidewalk, and to remove the same at the expense of the person, owner or occupant causing the same, and to collect such expense as hereinafter provided.

To erect lamp posts, etc.

25. To erect lamps, lamp posts and fixtures, and cause such of the streets of said city, as they may deem proper, to be lighted at such times as in their opinion the wants and interests of the city require, and in, their discretion, to charge the expense of erecting such lamps, lamp posts and fixtures, and of lighting the streets, as street expenses.

To regulate keeping of gunpowder, etc.

26. To prohibit, license or regulate the keeping, storing, use or sale of gunpowder, kerosene or any other combustible or explosive substance or compound, and the conveyance or transportation of the same, in or through any part of said city; and upon or through the Rondout creek adjacent to said city; also to regulate or prohibit the use of fire arms in said city.

27. To prevent or regulate the construction of any building, chimney, fire-place, heater, stove, stove pipe, oven, repository of ashes or charcoal, boiler, furnace, or any other apparatus or thing whatever, which may be considered dangerous with regard to fire, and to cause the owner or occupant of any premises upon which shall be found anything dangerous with regard to fire, to remove the same, or put the same in a safe condition ; and in case the owner or occupant shall neglect or refuse to do so, the common council shall have power to cause the same to be done at the expense of the owner or occupant, and to collect such cost as hereinafter provided ; and for the purposes aforesaid, or any or either thereof, the said common council shall have power to enter into or upon, or authorize the entry into or upon, any building or premises in said city.

28. To regulate the use of lights in stables or buildings in which combustible materials may be collected or deposited, and prescribe the use of lanterns or safety lamps in such stables or buildings.

29. To compel the inhabitants to keep fire buckets.

30. To prevent and abate nuisances, and determine what are such, either upon view or upon testimony of witnesses (who may be examined under oath before them), and for these purposes, or any or either of them, to enter into and upon, or authorize the entering into or upon any building or premises in said city ; and in case the owner or occupant of any building or premises in or upon which such nuisance may be found, shall neglect or refuse to remove or abate the same, after being notified to do so, the said common council shall have power to cause the same to be removed or abated at the expense of the owner or occupant, and to collect such expense as hereinafter provided.

To prevent fires.

To regulate use of lights.

Fire buckets.

To abate nuisances.

To compel cleaning of markets, etc.

31. To compel the owner or occupant of any grocery, market, factory, tallow chandler, shop, privy, pigsty, drain, sewer or any other unwholesome, offensive or nauseous house or place, to cleanse, purify, remove or abate the same from time to time, as often as in the opinion of the common council it may be necessary for the comfort, health and convenience of the inhabitants of said city.

To regulate slaughter-houses.

32. To prohibit or regulate slaughter-houses, or the slaughtering of animals, and to regulate the time, place and manner of the sale of meats, fish and vegetables within said city.

To prohibit putrid carcasses, etc.

33. To prohibit any person from bringing or depositing any unwholesome, putrid or decayed carcass, skins, hides, fish, meat or other substance or thing within said city, and to require or authorize the removal or destruction thereof.

To regulate construction of private sewers, etc.

34. To prescribe regulations as to the location and construction of private sewers, drains or water or gas pipes, in said city, and for the prevention of any injury or obstruction of any street or sidewalk thereby.

Corporate powers as to suits.

35. To prosecute in the corporate name of the city upon any contract or liability in which said city or corporation may be interested, and for all fines and penalties, cost and expense imposed by this act, or by any ordinance or by-law of the city, and enforce the collection thereof.

May build city hall and purchase fire engines, etc.

36. To build or purchase a city hall, purchase fire engines, and the necessary hose and other apparatus for the use of the fire department, erect engine houses, or hire suitable places for keeping said engines, hose and apparatus, to dig public wells, sewers and drains, make aqueducts, cisterns and reservoirs for said city, for the use of the inhabitants thereof, and procure pumps, hydrants, and other necessary fixtures therefor, and to carry into effect

any lawful resolution which may be adopted by the said inhabitants at any annual election or special meeting thereof.

37. To prohibit and punish every game, practice, amusement or act in the public streets or elsewhere having a tendency to frighten teams or horses, or to injure or annoy persons residing in said city or passing in or along the highways or streets of the city, or to injure or endanger property.

To prohibit dangerous games, etc.

38. To direct the return and keeping of bills of mortality.

Bills of mortality.

39. To regulate the speed of locomotives, tenders and railroad and other cars, and to prevent the unnecessary obstruction of streets by the same, in said city.

To regulate speed on railroads.

40. To direct and regulate the planting of shade and ornamental trees along the streets and sidewalks in said city, and to prevent the injury and defacement of such trees and of fences, walls, posts and buildings in said city.

Planting of shade trees.

41. To compel the owner or occupant of any wall or building in the city, which may be in a ruinous or unsafe condition, to render the same safe or to take down and remove the same and to prohibit such erections; and in case of the neglect or refusal of such owner or occupant to render such wall or building safe, or to take down or remove the same after being notified so to do, the common council shall have power to cause the same to be taken down or removed at the expense of such owner or occupant, and to collect such cost and expense as in this act provided.

To prohibit erection of unsafe buildings.

42. To make the cost and expense in subdivisions twenty, twenty-four, twenty-seven, thirty and forty-one of this section a lien upon the premises or lots therein mentioned or implied, and to issue warrants against the owners

To collect costs and assessments for street improvements.

or occupants thereof respectively, to collect such costs and expenses as assessments and taxes are collected.

To provide rooms and offices.

43. To provide a council room or rooms for the common council, a court room for the recorder and offices for the clerk and treasurer.

To require estimates and information.

44. To require any officer of the city to furnish reports, information or estimates, whenever deemed proper by the common council.

Fire-arms and rockets.

45. To prevent and punish the discharge of firearms, rockets, fire-works and gunpowder in or near the streets of the city, or in the vicinity of any building.

To determine boundaries and street lines.

46. To ascertain, establish and determine the boundaries of the city and of all the streets, alleys and highways therein.

To compel scuttles in roofs.

47. To compel the owners or occupants of buildings to have scuttles in the roofs thereof and stairs or ladders leading to them.

To sue in the name of city.

48. To sue in the name and for the benefit of the city for all penalties imposed by the excise laws, and to impose, fix and receive for the benefit of the city, penalties for violations of the excise laws, or any of the provisions thereof, or any other law of this State.

To divide wards into election districts.

49. To divide wards into election districts when necessary and appoint the three first inspectors of election therein; and thereafter the provisions of this act relating to the election districts and inspectors of elections and the wards as election districts and inspectors of election therein, shall apply to the election districts created by the common council and the inspectors of election therein.

To designate official newspapers.

50. To designate two newspapers for the publication of ordinances, rules, regulations, by-laws and official notices in said city.

Further corporate

51. And for the purposes aforesaid, or any or either of

them, or of executing any powers conferred upon the powers.
 common council or upon the city by this act or otherwise,
 the said common council shall have full power to make,
 establish, publish, modify, amend or repeal ordinances, To make
and repeal
ordinances
and by-
laws.
 rules, regulations and by-laws, and prescribe, fix and
 enforce such penalties and fines as they may deem proper
 for the violation of them respectively, not exceeding one
 hundred dollars, exclusive of said cost and expense for any
 one offense; but every such ordinance, rule and regulation,
 or by-law, shall be published at least twice in the two
 newspapers published in the said city, designated for such
 purpose by the common council before it shall take effect,
 and every such ordinance, rule, regulation or by-law,
 together with a certificate by the clerk of the city of the
 time and manner of the publication thereof, shall be
 posted, entered or recorded in a book to be provided and
 kept for that purpose; and the said record, or a copy
 thereof, certified by the clerk of said city, shall be pre-
 sumptive evidence in all courts and places, and in all
 actions and proceedings of the due passage of such ordi-
 nance, rule, regulation, or by-law, and of its having been
 duly published.

TITLE IV.

OF THE POWERS AND DUTIES OF OFFICERS.

§ 34. The mayor of the city of Kingston shall be the Amend-
ment of
1877.
Duties of
mayor.
 chief executive magistrate thereof, and shall, when present,
 preside at all meetings of the common council. It shall
 be his duty to take care that, within said city, the laws of
 this state and ordinances and by-laws passed by the com-
 mon council be faithfully executed, and to arrest, or cause
 the arrest of all persons violating the same; to exercise a
 constant supervision over the conduct of all subordinate

Examine
com-
plaints
of neglect
of duty.

Approve
or disap-
prove bills,
etc.

Bills, etc.,
may pass
over may-
or's veto
by two-
thirds
vote.

Suspen-
sion of
officers.

officers ; to receive and examine into all complaints against them for misconduct or neglect of duty, and to report the facts to the common council ; to recommend to the common council, from time to time, such measures as he shall deem necessary or expedient for them to adopt ; to expedite or cause to be carried out all such orders, resolutions or ordinances as shall be resolved upon by them, and in general to maintain the peace and good order of the said city ; to approve or disapprove all bills, orders, resolutions or ordinances which shall have passed the common council for the expenditure of money or of a legislative character, and if he approves he shall indorse his approval thereon in writing, and sign such approval ; if he disapproves he shall return such transcript to the common council, or the clerk thereof, with his objections in writing, which shall be filed by the clerk, and the common council shall, at its next meeting thereafter, proceed to reconsider such ordinance, resolution, orders or acts thus disapproved, and if the same shall be passed by two-thirds of all the members of the common council then in office, the same shall have full force and effect, notwithstanding the objections of the mayor. If any such transcript shall not be returned by the mayor to the common council or clerk within five days after it shall have been presented to him (Sunday excepted), such ordinance, resolution, order or act shall have full force and effect in like manner as if duly approved by the mayor, unless the term of office of mayor shall expire within five days after such transcript shall be presented to him, in which case such ordinance, resolution, order or act shall have no force. He shall have power summarily to hear, try and determine any complaint against any appointed officer of said city for misconduct or neglect of duty, and to suspend said officer until the next meeting of

the common council. He shall also have power summarily to revoke any license of any hackman, cartman, or for the exhibition of any show. He shall sign all appointments made by the common council, and all warrants, ordered by the common council for the payment of moneys by the city treasurer. He is also empowered to enter any house or building which he has cause to suspect to be a gambling-house, or to be inhabited by persons of ill-fame, or to which persons of dissolute, idle or disorderly character resort, and disperse the same, or arrest such persons and hold them until they can be dealt with, before some proper magistrate, according to law. He shall have power to administer oaths and take affidavits, and take the proof and acknowledgments of deeds within said city, and receive therefor the same fees that were allowed to justices of the peace for the same services. In case the mayor shall be unable to perform the duties of his office in consequence of continued sickness or absence from the city, or if there shall be a vacancy in the office, the common council shall appoint, by ballot, one of their number to preside at their meetings, and the presiding officer thus chosen shall be vested with all the powers and perform all the duties of mayor of the city, until the mayor shall resume his office, or the vacancy shall be supplied according to law. The mayor of the city of Kingston shall possess all the powers and authority conferred upon the mayors of cities by any general statute of the state; he shall have power to apprehend and arrest any person who shall, within his view, in said city, be guilty of any criminal act or of any violation of the laws or statutes of this state; he may also, upon complaint being made to him under oath, issue a warrant to the chief of police, or any police officer in the city of Kingston, to arrest any person charged with any crime or

Revoke
licenses.

Sign ap-
point-
ments and
warrants.

Power to
suppress
gambling
houses,
etc.

Take ac-
knowledg-
ments and
oaths.

Presiding
officer pro
tem.

General
powers.

Issue
criminal
warrants.

Proceed-
ings on re-
turn of
warrant.

misdeemeanor, or with any violation of any of the laws or statutes of said state, within such city, and bring such person for examination or trial, either before him, the said mayor, or before the recorder, or acting recorder. Any such warrant may be executed by any officer to whom it is directed, at any place within the state. If such process shall be made returnable before the recorder, or acting recorder, such officer, upon the same being returned to him, or the prisoner arrested by virtue thereof being brought before him, shall take and acquire jurisdiction of the subject-matter, and proceed with the case to the same extent and in the same manner, in all respects, as if such process had been originally issued by him. Whenever any person shall be arrested by the mayor of said city for any offense committed within his view, or by process originally returnable before himself, he may, by an order in writing, transfer the case to the recorder, who shall thereupon take and acquire jurisdiction, and proceed with such case in the same manner and to the same extent as if such person had been arrested or such process originally issued by him; or the said mayor may, in any such case, proceed to examine such person and commit him for trial to answer the charge against him, or discharge him according to law. If the offense charged is by law triable in a court of special sessions of the peace, the said mayor shall proceed to hold a mayor's court of special sessions, to try such person or persons, and all provisions of law applicable to courts of special sessions shall extend and apply to such mayor's court. All process for the summoning of jurors or witnesses in such court, may be served or executed by the chief of police, or any constable or police officer of said city.

Duties
of alder-
men.

§ 35. It shall be the duty of every alderman in said city

to attend the regular and special meetings of the common council; to act upon committees when thereunto appointed by the mayor or common council; to arrest or cause to be arrested all persons violating the laws of this State, or the ordinances, by-laws or police regulations of the city; to report to the mayor all subordinate officers who are guilty of any official misconduct or neglect of duty, and to aid in maintaining peace and good order in the city, and to perform or assist in performing all such duties as are enjoined upon the aldermen of said city separately, or upon the common council thereof.

§ 36. The said city shall be entitled to and have six supervisors. The said city shall be divided into three departments as follows: The first, second and third wards shall constitute department number one; the fourth, fifth and sixth wards shall constitute department number two; and the seventh, eighth and ninth wards shall constitute department number three. Each of said departments shall be regarded as a town under the fourth article of the fourth title of the eleventh chapter of the first part of the Revised Statutes, and each of said departments shall elect two supervisors annually. The said supervisors shall have the same powers and duties as supervisors in any town in the county of Ulster, except as otherwise provided by this act; and shall be members of the board of supervisors of the county of Ulster. The supervisors shall receive the same compensation allowed by law, in the same manner as other supervisors of towns. The powers and duties of supervisors of towns relating to schools and public instruction shall, in said city, devolve upon the mayor.

§ 37. The city shall be regarded as a town under the provisions of the fourth title of the seventh chapter of the third part of the Revised Statutes respecting the return of

Six supervisors for city.

City, how divided.

Regarded as a town in respect to jurors.

jurors, and the supervisors and clerk of said city shall perform the duties thereof enjoined upon the supervisors, assessors and town clerks of the several towns of the State, except that a duplicate of the return of jurors made by them shall be filed in the office of the clerk of the city.

Aldermen
fence-
viewers.

§ 38. The aldermen of each ward shall be fence viewers, and shall possess all the powers and authority in respect to division fences or walls in their ward which are given by the said article to town fence-viewers with respect to division fences.

Duties of
assessors
in relation
to special
taxes.

§ 39. It shall be the duty of the assessors, within sixty days after any city tax is legally directed to be levied or assessed, to prepare and deliver to the common council, and file with the clerk a tax roll and assessment of such proposed tax upon the taxable inhabitants and property of said city, and a duplicate original thereof (both of which shall be deemed originals), to one of which shall be attached the warrant for the collection of said tax, and to the other a copy of said warrant, with a receipt of the treasurer for said tax roll and warrant.

Amend-
ments of
1877.

Powers
and duties
of As-
sessors.

§ 40. The said assessors shall perform all the duties herein specified, in relation to the assessment of property within the city, as well as for the purpose of levying the taxes imposed by the supervisors of Ulster county, as by the common council of the city of Kingston. The assessors elected under this act shall possess all the powers and authority of town assessors, and shall make, review and correct the assessment roll of the city in the same manner as such assessors, except as herein otherwise provided.

Notice for
review and
correc-
tion.

The notice for review and correction of the assessment shall be given as provided by law for town assessors, and shall also be published in the public newspapers printed in said city and designated by the common council for the

publication of official notices, and shall designate the city clerk's office as the place where the assessors will review their assessments, and where the roll may be examined.

The roll shall be completed, and, with all other papers required by law to be filed, shall be delivered to the city clerk, on or before the third Tuesday in September in each year.

Assessment roll completed

§ 41. The common council shall be vested with the exclusive power to correct the assessment roll in respect to taxes imposed by virtue of this act, in the same manner as a board of supervisors may by law correct the town rolls of their county, and shall possess all the powers in relation to such city assessment roll, that boards of supervisors have by statute in the case of town assessment rolls and town and county taxes. The city clerk shall correct all clerical errors in the description or valuation of property under the direction of the common council, and make a correct and exact copy of the assessment roll so made as aforesaid and certify the same to be correct, and deliver the said copy to one of the supervisors of the said city, on or before the first day of October in each year, to be by him presented to the board of supervisors, as and for the tax roll of the city.

Powers of common council in relation to correction of assessment roll.

§ 42. The clerk of said city shall have the custody of the records, books and papers of the said city; he shall attend all its meetings and act as clerk of the common council; and he shall record, in the manner prescribed by the said council, their ordinances, rules and regulations, by-laws, resolutions and proceedings, and the proceedings at elections and meetings of the inhabitants of said city. The books and papers in the office of the said clerk shall at all times, on demand, be produced for inspection to any taxable inhabitant of said city, and upon like demand and

Powers and duties of clerk.

the tender of fees, at the rate of ten cents per folio therefor, he shall furnish copies of any papers or records filed with him as said clerk. Copies of all papers duly filed in his office, and transcripts from the records of said city, certified by him under the corporate seal, shall be evidence in all courts, and in all actions or proceedings, in like manner as if the originals were produced. His office is hereby declared a town clerk's office for the purpose of depositing and filing therein all books and papers required by law to be filed in the town clerk's office, and he shall possess all the powers, and discharge all the duties, of a town clerk, except so far as the same shall be inconsistent with other provisions of this act. He shall keep an accurate account of all moneys received by him belonging to the city, and shall, within ten days after the receipt of any moneys by him, pay the same over to the treasurer of the city, for which he shall take a receipt from such treasurer and file the same in his office, and have all such receipts at all times ready for examination by the common council or any member thereof. He shall also keep an accurate account of all expenditures by said city, which accounts shall be kept in such a manner as the common council shall direct. All moneys shall be drawn from the treasury in pursuance of the order of the council by a warrant upon the city treasurer, signed by the mayor or presiding officer of the common council, and countersigned by the clerk; such warrants shall specify for what purpose the amount therein named is to be paid and to what fund chargeable; and the clerk shall keep an accurate account of all warrants drawn on the treasurer in a book to be provided for that purpose, specifying the number of each warrant, the purpose for which issued, and the number of the voucher and date of resolution upon which it is issued.

His office a
town
clerk's
office.

To keep
account of
city ex-
pendi-
tures.

Money,
how
drawn
from
treasury.

The city clerk shall receive for his services such compensation, not exceeding five hundred dollars in each year, as the council shall fix, and he shall not receive for any service whatever any other fee or reward from the city. Salary.

§ 43. The treasurer shall receive and safely keep all moneys belonging to the city. He shall also keep an accurate account of all receipts and payments, so as to exhibit the amount paid under each particular class of purposes for which moneys shall be raised, and make returns thereof in such manner, and at such times as the common council shall direct. The common council shall make orders for the payment of all moneys to be drawn out of the treasury, and no money shall be drawn or paid out of the treasury except in pursuance of such orders appropriating the same, and upon warrants signed by the mayor and countersigned by the clerk, except as is herein otherwise provided, which warrant shall specify for what purpose the amount stated therein is to be paid, and to what fund chargeable; and said treasurer, in his account of payments or disbursements, shall state therein the number of the warrant upon which every payment or disbursement was made. He shall possess all the powers and perform all the duties possessed and performed by the collectors of towns, except as herein otherwise provided. He shall, on the first Tuesday in March, in every year, and at such other times as the common council shall require, present to said council, and file with the clerk, a full account of all his receipts and disbursements since the date of his last annual report, and a statement of the financial condition of the treasury. He shall keep his office in such place in said city as he shall designate, subject to the approval of the common council, and shall keep the same open such days in the year and such hours as the council Powers and duties of treasurer.

Treasurer to perform duties of collector.

To file account of receipts and expenditures.

may from time to time direct. It shall be his duty personally to receive all taxes or assessments which may be paid or payable at said office, and to retain there and not elsewhere, the possession of the warrants and tax assessment rolls, which may from time to time be delivered to him for collection by the clerk of the city, or under the direction of the common council. He shall enter daily, in suitable books, the sums received by him, whether for taxes or any other account, with the name of the person by or for whom and on what account the same shall be paid. He shall also enter in a column in the tax roll in his possession, opposite the names of the persons who shall pay their taxes, the fact of payment, the amount thereof, and the day when paid.

Amend-
ment of
1877.

Sealer of
weights
and meas-
ures.

§ 44. The common council shall, at the expiration of the term of office of the present incumbent, appoint, as hereinafter provided, a sealer of weights and measures, whose term of office shall be fixed by the common council, not to exceed two years, who shall possess the like powers and be subject to like obligations as the sealer of weights and measures of the several towns of this state, and, on application for that purpose, the county sealer of weights and measures shall furnish him copies of the standards in his office at the expense of the city.

Powers
and duties
of re-
corder.

§ 45. The recorder of said city shall, except in case of his absence from the city, or inability from sickness or any other cause, have jurisdiction exclusive of any justice of the peace or other officer in said city, except the mayor or judges of courts of record, to issue all criminal process, and all process other than in civil actions and proceedings, except process in bastardy cases, which a single justice or two justices of the peace in towns are empowered or directed by law to issue; to hear and entertain all com-

plaints and conduct all examinations in criminal cases ; to hold courts of special sessions, with all the powers and jurisdiction of such courts, as regulated by statute ; to try, convict and sentence all persons who may be guilty of any offenses which are or may be triable by courts of special sessions, and to commit for trial persons who shall be guilty of offenses not triable in said courts. The courts of special sessions, held by said recorder, shall have jurisdiction of, and power to hear and determine charges for every misdemeanor committed, or charged to have been committed, within said city, for which the accused shall elect to be tried before said court. Whenever a defendant, tried before a court of special sessions, held by said recorder, for any offense, jurisdiction of which is not conferred upon courts of special sessions by the Revised Statutes, shall be convicted, said court shall render judgment thereupon, and inflict such punishment, by fine or imprisonment, or both, as any other court having jurisdiction of the offense could inflict, as provided by statute, and shall have the same jurisdiction to sentence and punish the person so convicted, as courts of sessions or oyer and terminer have for the same offense. The recorder may sentence any person, convicted of a criminal offense before him, directly to imprisonment in the Albany penitentiary, in cases where the sentence is for sixty days or longer. The said recorder shall not be required to take the examination of any person charged with a misdemeanor who shall elect to be tried, nor to try any person after an examination which he has claimed ; but such person, if held for trial, shall be bailed or committed. Said recorder shall have power to let to bail persons charged with crime before him in all cases of misdemeanor, and in all cases of felony when the imprisonment in the State prison

To hold
courts of
special
sessions.

Jurisdic-
tion.

Sentence.

Not re-
quired to
take ex-
amination
in case of
misde-
meanors
where
party
elects to
be tried.

Power to
take affid-
avits and
acknowl-
edgments.

cannot exceed five years. The recorder shall also have the same power and authority to administer oaths and take affidavits, and, on filing with the clerk of Ulster county a certificate from the city clerk of his election and oath of office, to take proofs and acknowledgments of deeds and other instruments with which justices of the peace in towns are now invested, and shall be entitled to charge and receive the same fees therefor, except from any person or officer acting for, or in the business of the city.

If re-
corder
unable, or
office
vacant,
duties to
be per-
formed by
justice of
peace of
city.

§ 46. In case of the sickness, absence from the city, disability to act, of the recorder, or in case his office shall be vacant, his powers and duties are hereby conferred and imposed upon either of the justices of the peace of said city, who may be designated by the common council for that purpose, except that such justices shall not have jurisdiction to try any person for any offense not heretofore triable by courts of special sessions; and in case any warrant issued by said recorder shall be returned during his absence from the city, or sickness, any further proceedings on such warrant may be had before such justice of the peace of said city; and such justice of the peace, having once obtained jurisdiction over any matter under this section, may retain and proceed to the determination of it, and shall be entitled to recover the same fees that justices of the peace are by law entitled to receive, to be audited, allowed and paid in the manner herein provided. In signing process he shall add to his official title, "acting as recorder."

Duties of
recorder
or justice.

§ 47. The recorder, or the justice of the peace acting as such, may hear, try and determine, in a summary way, any complaint for any violation of the laws of this State, or of the ordinances of the city in any case where the right to a trial by jury is not guaranteed by the constitu-

tion ; but in all cases where such right is guaranteed he shall sit as a court of special sessions. And whenever said recorder, or justice of the peace acting as such, sitting at a court of special sessions or otherwise, shall try, convict and sentence to the jail of Ulster county, or other place provided by law, he shall file with the clerk of Ulster county a record, which shall be substantially in the following form :

The undersigned (specifying the officer) hereby certifies that A. B. was this day brought before him, on a charge of (specifying the offense) ; that the said (specifying the officer) made diligent inquiry and examination of the matter, and upon due and sufficient proof (or upon the voluntary confession and admission of the said A. B., as the case may be) found him, the said A. B., to be guilty of the charge (specifying the charge), within the meaning of the law in such cases provided ; and he the said (specifying the officer) did so adjudge. Whereupon the said (specifying the officer), by warrant under his hand, committed him, the said A. B., so adjudged to be guilty of the offense aforesaid, to the county jail of Ulster county (or other place provided by law) for (specifying the length of time).

Form of
commit-
ment.

In witness whereof, I, the undersigned (specifying the officer), as aforesaid, have hereto affixed my hand and seal, this day of in the year C. D., Recorder (or justice of the peace acting as recorder).

§ 48. It shall be the duty of the recorder to attend at his office at all reasonable hours, and to hear all matters within his jurisdiction. He shall not receive for his own benefit any fee for services under this act ; but he shall demand and receive in all proceedings before him and for all services rendered by him as such recorder, the fees

Amend-
ment of
1877.

Duties of
recorder.

Not to
receive
fees for his
own use.

To collect costs when examinations are waived, and to commit to jail until paid.

Present accounts to board of supervisors for costs in felonies.

Powers and duties of justices of peace.

provided by law, and all fees and charges which may be legally payable whenever any suit or proceeding before him shall be settled, or dismissed by consent, including fees of constables and policemen. The recorder or acting recorder, shall also demand, collect and receive from each person arrested and brought before him charged with a criminal offense, triable before said recorder, who shall waive an examination, all costs of the criminal proceedings against such person, and shall have power to commit such person to the county jail until such costs are paid, but not exceeding five days. All such costs and fees, and all fines imposed and collected or received by him, belonging to the city, shall be paid to the treasurer once in every month. The recorder shall keep an account of all such fees and fines, and of all criminal business done by him, which shall be a county charge and shall annually, at the time of presentation of claims against the county of Ulster, make out and verify his account of all such business done by him against the county of Ulster, and present the same to the board of supervisors of said county, which board shall audit it to the city of Kingston, and levy the same as other county charges. The docket of said recorder shall contain a record or brief statement of all convictions and judgments before him, and shall be open to public inspection during office hours.

§ 49. The justices of the peace of said city shall have and exercise all the powers, authority and jurisdiction, and discharge all the duties and be entitled to the fees and compensation of justices of the peace of the several towns in this State, except as modified by this act, and all laws applicable to justices of the peace of the several towns, and to courts held by them and appeals therefrom, and to their official acts, duties and powers, shall apply to the

justices of the peace of said city, and the courts held by them, and appeals therefrom, and to their official acts, duties and powers.

§ 50. The powers, duties, compensation and liabilities of the constables provided for by this act shall be the same as those of constables of towns, and all the provisions of law applicable to town constables and their sureties shall apply to said city constables and their sureties, except so far as they may be inconsistent with this act.

Powers
and duties
of constables.

§ 51. It shall be the duty of the superintendent of streets, sewers and city property, under and subject to the direction and control of the common council, to act as overseer of highways and take general supervision and charge of all highways and streets, sewers and city property in said city except as otherwise provided in this act. The common council may at any time limit, regulate and restrain him in the performance of his duties, and may fix the amount of his compensation, which shall not exceed two dollars and fifty cents per day.

Superintendent of
streets to
act as
overseer
of high-
ways.

§ 52. The common council shall appoint an alms commissioner for each ward, who shall be a resident thereof and a free holder of said city, and who shall serve without compensation.

Alms
commis-
sioner.

§ 53. The common council shall appoint two fire-wards for each ward, and prescribe their powers and duties.

Fire
wardens.

§ 54. The pound-master shall have the powers and perform the duties conferred and imposed upon him by this act, and upon town pound-masters by any statute of this State, and such other lawful duties and powers as the council may prescribe.

Pound-
master.

§ 55. It shall be the duty of the policemen to preserve peace and good order and enforce the ordinances, rules and regulations and by-laws of said city, and they shall

Duty of
police.

perform such other duties as the common council may prescribe. They shall also have the same powers and perform the same duties as constables in towns and counties in the State in criminal cases, and be entitled to the same fees therefor, together with such additional compensation for extraordinary services as the common council shall deem proper.

Special
policemen.

§ 56. The mayor shall have power to appoint as many special policemen, from time to time, as he may deem necessary, to serve without compensation, a specified length of time not extending beyond the time for the next annual city election after their appointment. They may be removed at the pleasure of the mayor.

BOARD OF HEALTH.

Board of
health,
how con-
stituted.

§ 57. The common council shall annually appoint two of their body, who shall be designated as the committee of public health. The mayor and the city clerk, together with the committee aforesaid, shall constitute the board of health for the city of Kingston. The common council shall also appoint, to hold office during its pleasure, a competent physician to be health officer of said board, and a health superintendent, as its executive officers. The mayor shall be the presiding officer, and the city clerk shall be the clerk of said board and keep the minutes thereof. A majority shall be competent to transact any business thereof, and, in the absence of the mayor, any member (except the clerk) shall be eligible to preside. Said board shall possess and exercise all the powers and authority of boards of health in any of the cities or villages in this State. It may hold its sessions at such times and places as it may deem fit; publish from time to time its

ordinances, resolutions and regulations as it may deem proper. Every practicing physician in said city who shall have a patient laboring under any infectious or pestilential disease shall forthwith make report thereof in writing to said clerk of the board, and for neglecting so to do shall be deemed guilty of a misdemeanor. Said board of health is hereby declared to be organized in accordance with the provisions of the Revised Statutes of the State of New York.

TITLE V.

OF THE COMMISSION OF EXCISE.

§ 58. The common council shall appoint three commis- Commis-
sioners of
excise.
sioners of excise who shall possess all the powers and perform the duties of boards of commissioners of excise and be subject to the excise laws of this State, except as modified by this act. They shall meet but one day in each month. The compensation of each commissioner of excise shall be three dollars for each day of actual service. Their expenses for necessary books and blanks shall be audited and paid as other city charges. All license moneys and all penalties for violations of excise laws or ordinances shall be paid over to the city treasurer for the benefit of the poor of the city, and may be sued for and recovered in the corporate name of the city.

TITLE VI.

OF THE COMMISSIONERS OF THE ALMS-HOUSE.

§ 59. There shall be a corporation in the city of Kings- Commis-
sioners of
alms-
house.
ton by the name of the commissioners of the alms-house of the city of Kingston, which shall possess the usual powers of a corporation for public purposes, and shall be

Term of
office.

composed of the several alms commissioners of said city. The said alms commissioners shall be divided into three classes, and upon their first appointment under this act, hold their offices for the period following: that is to say, those appointed, respectively, from the first, fourth and seventh wards, one year each; those from the second, fifth and eighth wards, two years each; and those from the third, sixth and ninth wards, three years each; and thereafter, as their several terms expire, successors, appointed by the common council, shall hold their offices for the full term of three years, except when appointed to fill vacancies, they shall only hold for the unexpired term.

Powers
and duties
of commis-
sioners.

§ 60. The said commissioners of the alms-house may sue and be sued in their corporate name in any of the courts of this State. They shall have the sole and exclusive care and management of the poor of said city, and shall provide for and maintain the persons enumerated in the fourteenth section of the act concerning the relief and support of indigent persons, in the manner hereinafter mentioned, and for that purpose they shall have and exercise all the power and authority now vested by law in the overseers of the poor of towns, and in the superintendents of the poor of counties, not inconsistent with the provisions of this act. They shall also have and possess the powers following:

Superin-
tendent of
the poor.

1. To appoint by a resolution, to be entered on their minutes, an officer to be denominated the superintendent of the poor of the city of Kingston, together with such other agents as may be necessary in order to carry into effect the purposes of this title; which said superintendent and other agents shall hold their offices during the pleasure of the said commissioners, and receive such fixed annual salary as the said commissioners may direct.

2. To visit the poor of said city at their several places of residence, and inquire and examine into their circumstances, the number and ages of the members of their families, the places of their former residences, their employments, for what length of time and to what extent they have been dependent on the public for support, their ability to labor, and the causes of their poverty ; and the commissioners may direct either permanent or temporary relief to such poor persons, under such rules and regulations as they may from time to time adopt.

Commissioners to visit poor house and make inquiry, etc.

3. To purchase in fee simple, and take a deed of conveyance to the said commissioners in their corporate name, of a suitable and convenient lot of land, and to erect thereon, if necessary, a building sufficient for the residence and accommodation of the poor of said city, to be denominated the "alms-house." But the amount of money to be expended by the said commissioners, in the purchase of the said lot of land and the erection of the said buildings, shall not exceed the sum of ten thousand dollars. And until such lot and buildings can be purchased and provided as aforesaid, the said commissioners may hire a house and lot of ground, for a term of time, as a residence for the poor of said city, at an annual rent not exceeding five hundred dollars.

To purchase "alms house."

4. The said commissioners may also cause to be constructed, within, or within the vicinity of the said alms-house, a cell or cells, and other place of confinement, for the temporary imprisonment or detention of vagrants ; and the recorder or other judicial officers of said city, authorized to commit for vagrancy are hereby, respectively, required by warrant, to be directed to one of the constables or police officers of said city, to commit to the custody of the keeper of the said alms-house, to be confined in

To construct cells in alms-house.

such cells or places of confinement, all persons adjudged vagrants according to the provisions of this act or the act concerning beggars and vagrants, and sentenced by him to imprisonment therefor. And the keeper of said almshouse is hereby authorized to require all persons so committed to his charge, to do and perform such work and labor as the superintendent of the poor of said city shall direct. And the board and maintenance of such vagrant, who, by the provisions of the act concerning beggars and vagrants, would have been sentenced to the county jail, at a sum not exceeding one dollar and fifty cents a week, for a term not exceeding sixty days upon any one conviction, shall be a county charge, and shall be audited and paid in the same manner as other county charges.

To receive
excise
moneys,
etc.

5. The said commissioners shall also have power to receive from the commissioners of emigration all moneys they may become entitled to receive for and on account of foreign paupers relieved by them. They shall also be entitled to receive the excise money received in said city, with all fines, forfeitures and penalties which may accrue to them as such commissioners, together with all money raised in said city for the support of the poor, which said several sums of money shall be applied by the said commissioners to the support and relief of the poor in said city according to the provisions of this title. All the moneys aforesaid shall be first paid to the treasurer of said city, and may be drawn therefrom by the said commissioners, from time to time, as the same may be needed upon warrants directed to said treasurer, and signed by the president of said commissioners, and countersigned by their secretary, and numbered consecutively as issued.

May sue for
violation of
excise laws

6. The said commissioners shall also have power, and it shall be their duty, to sue in their corporate name for all

violations of the excise laws committed in said city in any court having jurisdiction of such suits. All other suits and proceedings which may by law be prosecuted and maintained by the overseers of the poor of a town to enforce civil remedies, shall and may hereafter be prosecuted and maintained, and remedies enforced in the name of the commissioners of the alms-house of the city of Kingston.

7. Such commissioners shall appoint one of their number president. They shall keep a written record of their proceedings and may establish rules and regulations for their own government, the government of their superintendent, agents and servants in the examination of paupers and others applying for or entitled to relief, or for admission to the alms-house, and in the distribution of food, fuel, clothing and other necessities among the poor of the city.

To keep records.

8. They shall have the powers superintendents of the poor now have in relation to lunatics and insane persons within said city, and to provide for their safe-keeping in a proper place in such city, or to send them to a lunatic asylum.

Other powers,

9. They shall have the same powers within said city as overseers of the poor and county superintendents of the poor now have in relation to bastards, and all proceedings to be had in such cases shall be had in their corporate name; and all bonds required according to the provisions of the statutes relating to bastards shall be given to them in their corporate name.

§ 61. The said superintendent of the poor shall keep an office, to be provided for him by the said commissioners in the city of Kingston, which shall be open and accessible, to those having business therein, at such hours as said

Powers and duties of superintendent of poor.

commissioners may designate. He shall devote his time and attention to the discharge of his public duties, and shall, among other things, attend the meetings of said board of commissioners, and act as secretary thereof. He shall aid them in the examination made into the circumstances and condition of the poor persons applying for or entitled to relief, and shall keep a record of such examinations in a book provided for that purpose. He shall keep the minutes of the proceedings of the commissioners, a statement of all warrants drawn upon the treasurer, specifying particularly their respective dates, numbers and amounts. He shall also keep an accurate account, specifying dates, items and amounts, of their receipts and disbursements, together with the names of the persons relieved, the manner of the relief and the time when rendered, and prepare the annual other reports. He shall carry into effect the orders and directions of the said commissioners in distributing relief to poor persons, and generally perform all such duties as may be assigned to him from time to time.

Commissioners'
report.

§ 62. The said commissioners shall, annually, on the first day of November, in each year, cause to be prepared a report containing an exact and accurate account of all moneys received by them during the preceding year, an exact and accurate account of all their expenditures for the same period of time, and the objects to which such expenditures were applied, and the persons to whom they were paid, the number of persons admitted and discharged from the alms-house, the number of those provided with out-door relief, the expenses incurred for keeping and supplying such alms-house, and the expenses incurred for such out-door relief during the year. Which said report shall be signed by the said commissioners and superintendent, filed

in the office of the city clerk, and published in the papers designated by the common council for the publication of official notices.

§ 63. The said commissioners shall, also, on the first day of November, in each year, furnish the mayor of the city of Kingston with a written estimate, not exceeding ^{Written estimate by them of expenses.} ten thousand dollars, to be signed by them, of the amount of moneys, which, in their judgment, will be required for the support of the poor of said city for the ensuing year, and pay arrearages, if any, who shall lay the same before the common council at their next session, and the same shall be levied and collected on said city, at the same time and in the same manner as other city taxes are levied and collected. ^{*Amended in 1877, providing that the estimated amount shall not exceed "thirteen" thousand dollars.}

§ 64. The commissioners of emigration of this State shall, from time to time, pay to the treasurer of the city of Kingston, for the use of the commissioners of the alms-house of the city of Kingston, all moneys expended by the last mentioned commissioners for the support of foreign paupers in the said city, out of the commutation money in the hands of such commissioners of emigration, according to the provisions of the act "concerning passengers in vessels coming to the city of New York," passed May fifth, eighteen hundred and forty-seven, and the several acts amending the same. ^{Commissioners of emigration.}

§ 65. It shall not be lawful for the commissioners of the alms-house, or either of them, or the said superintendent of the poor, to be concerned or interested, directly or indirectly, in the sale of any goods, merchandise or other personal property found, furnished or provided for the use of the poor of the city of Kingston; nor shall such commissioners, superintendent or either of them, take or receive any profit, reward or emolument for or on account ^{Commissioners of alms-house not to be interested in sale of goods, etc.}

of any goods, merchandise or personal property found, furnished or provided, by any person or persons, other than such commissioners, for the use of the poor of said city. Every violation of the provisions of this section shall be deemed a misdemeanor, punishable by fine and imprisonment.

No compensation.

§ 66. The said commissioners shall receive no compensation whatever for any services rendered by them under the provisions of this act; but all reasonable and proper expenses incurred by them in executing their trusts as such commissioners, shall be paid out of any money raised for the support of the poor, as herein provided.

Separate district for support of poor.

§ 67. The city of Kingston, for all the purposes of supporting the poor within its limits, and carrying into effect the laws of the State, for the support and relief of indigent persons, shall be a separate and distinct district. The city of Kingston shall not, hereafter, be subject to any quota of county charges, for the support of the poor, nor shall any other portion of the county be taxed or required to contribute to the support of the poor in the city of Kingston.

To receive from supervisors its proportion of value of county poor house etc.

§ 68. The city of Kingston shall be entitled to receive from the board of supervisors of the county of Ulster, in money, its just and fair proportion of the estimated value of the county poor house, farm and buildings, with the appurtenances, and the personal property thereon belonging to said county, which proportion shall be in the same ratio to the ascertained value of said property as the total valuation of all the real and personal property in the city of Kingston, as assessed upon the assessment roll of the town of Kingston for the year one thousand eight hundred and seventy-one bears to the total valuation of all the real and personal property in said county, according to

the assessment rolls of the year one thousand eight hundred and seventy-one, or the general tax table published with the proceedings of the board of supervisors of that year. For the purpose of ascertaining the amount to be paid to the city of Kingston for the purpose aforesaid, any judge of the Supreme Court of the third judicial district may, upon ten days' personal notice, served upon the chairman of the board of supervisors of Ulster county, and also upon the mayor of said city, appoint three disinterested persons to be commissioners to appraise the poor house property of the county of Ulster, who shall each be paid one hundred dollars for their services as such commissioners, which amount shall be audited to them respectively by the board of supervisors of Ulster county, and be raised, collected and paid as other county charges are raised, collected and paid. Any vacancy which may occur in said commission may be filled by a judge of the Supreme Court, on ten days' previous personal notice to the chairman of said board of supervisors and the mayor of said city, and the person appointed to fill such vacancy shall have the same compensation herein provided in respect to the commissioner in whose place he shall have been appointed. The said commissioners, after taking an oath honestly and faithfully to perform their duties, and after making such inspection, examination and investigation, and taking such testimony as they may deem necessary, shall fix and determine the value of the said poor house property, and having done so shall ascertain, as near as can be, from the assessment roll of the town of Kingston for the year eighteen hundred and seventy-one, the total valuation of all the real and personal property of the city of Kingston, and from the assessment rolls of eighteen hundred and seventy-one, or the general tax table published

Proceed-
ings to
ascertain
amount.

Supervi-
sors to
audit and
allow
amount.

or to be published with the proceedings of the board of supervisors of that year, the total valuation of all the real and personal property in said county. The city of Kingston shall be entitled to such sum as shall bear the same proportion to the value of the poor house property so fixed and determined, as the said city valuation shall bear to the said county valuation so ascertained, and the said commissioners shall by that standard ascertain and determine the said sum, and shall report their proceedings and determination to said board of supervisors. The said board of supervisors at their annual meeting next following the date of said report shall audit and allow the said sum to the city of Kingston, and the same shall be raised and collected as are other county charges, and shall be paid to the treasurer of said city; but no part thereof shall be assessed upon any property in said city. Such money shall be used and appropriated toward the purchase and establishment of the alms-house.

TITLE VII.

OF TAXES AND ASSESSMENTS.

Amend-
ment of
1877.
Estimate
of poor
expenses,
street and
other
expenses.

§ 69. The common council shall, in each year, on or before the first day of November, make a careful estimate of the expenses of supporting and relieving the city poor, which estimate shall not exceed thirteen thousand dollars; also of the expenses of the general repairs of streets and the lighting of the same, of the expenses of the fire department, and of the city expense for all other purposes, which several estimates, including that for the city poor, shall not exceed the sum of fifty thousand dollars. The common council shall, for said several purposes, have power to raise by-tax in each year, from the taxable inhab-

itants of said city and the property therein liable to taxation, such sums of money as they may deem proper, but not exceeding the sum of fifty thousand dollars, exclusive of the amounts added thereto under sections ninety-four, ninety-eight, ninety-nine and one hundred and seventeen of this act, and exclusive of the amount necessary to pay the principal and interest of the bonded and other indebtedness of the city as it falls due.

§ 70. The common council may also, in any year, raise by general tax such further sum as shall have been voted by a majority of the inhabitants of said city entitled to vote and voting on a proposition to raise such additional tax at an annual or special meeting called for that purpose. The vote on such proposition shall be taken by ballot, which shall be endorsed "tax," and shall have on the inside the words "for the tax" or "against the tax." No person shall vote on a proposition to raise a tax upon the inhabitants of said city, unless he shall be an elector thereof, and shall have resided therein for six months next preceding the time when he offers his vote, and shall be a bona fide tax-payer on real estate in said city, and have his name enrolled on the tax roll of said city. The clerk shall give at least ten days' notice of any such election or meeting by publishing such notice in the newspapers published in said city, designated by the common council for the publication of official notices, and by posting such notice in at least one of the public places in each ward or election district thereof, which notice shall distinctly state the object or objects of such election or meeting. All the provisions of this act in any way applicable to any annual election in said city or to the ascertainment of the result thereof, shall be applicable to said tax elections or meetings and to the ascertainment of the results thereof, so far

Not to exceed fifty thousand dollars.

To raise by general tax the sum voted by people.

Notice of election.

as the same can be adapted thereto. The clerk shall furnish to the inspectors in each ward or election district, for use at each tax election or meeting a certified copy of the names of the tax-payers on real estate upon said tax roll. If any proposition to raise an additional tax be voted down, it shall not be again voted on before the next annual city election. The common council are hereby authorized to borrow on the credit of said city the sum of twenty-five thousand dollars, or such portion thereof as may be necessary to pay the existing lawful indebtedness of the respective villages of Kingston and Rondout. For the money so borrowed the common council are hereby authorized to issue bonds or certificates of indebtedness in the name of and under the seal of the city and signed by the mayor and treasurer thereof, in sums not less than one hundred dollars each, with interest at seven per cent. payable annually; said bonds or certificates shall be so classified and issued that not more than ten thousand dollars of principal shall fall due in any one year. It shall be lawful for the common council of said city, and it shall be their duty, to make due provisions by tax in each year for the payment of the interest and principal falling due on said bonds or certificates during said year, and such interest and principal shall be assessed, levied and raised in the same manner as any other general tax of said city, and in addition to and in connection with the general taxes of said city, and said bonds shall be sold at not less than their par value.

Common council of city may borrow money to pay debts of Rondout and Kingston and issue bonds.

Tax to be levied to pay bonds.

Taxes in one assessment. *

§ 71. The taxes hereinbefore mentioned shall, if practicable, be included in one assessment, together with a quota of State and county charges.

Duty of board of supervisors as to tax.

§ 72. The board of supervisors of the county of Ulster shall, at their annual session, as early as practicable after

they shall have made and equalized the valuation of the taxable property in the several towns of the county of Ulster, fix and determine the proportional amount of the State and county charges to be paid by the city of Kingston; and the clerk of said board of supervisors shall forthwith deliver to one of the supervisors of the city of Kingston a certificate of the amount thus apportioned to said city, and it shall be his duty immediately to deliver and file the same with the clerk of said city. It shall then be the duty of the common council of said city to raise by general tax upon the taxable property of said city, the amount specified in such certificate as the quota of State and county charges to be paid by said city, so that the same can be paid over by the treasurer of said city to the county treasurer, on or before the first day of March next ensuing. The said quota of State and county charges to be paid by said city shall, together with all sums to be raised by a general city tax, in pursuance of this act, except as herein otherwise provided, be assessed and rated upon and among the owners of real and personal estate, incorporated companies and associations named in the revised assessment roll, in proportion, to the value therein stated, in the same manner and proportion, as near as may be, as taxes in and for the county of Ulster are rated and assessed. The sum rated and assessed upon the estate of each person, company, corporation or association, shall be set opposite the name of such person, company, corporation or association respectively in the last column of the tax roll, which roll shall be a copy of the revised assessment roll, and shall be corrected, completed and filed with the city clerk on or before the fifteenth day of December, and which, when so corrected, completed and filed, shall be a lien on the real estate described therein.

Tax, how
rated.

Duties of
clerk as to
tax.

§ 73. After the tax roll for the general tax shall have been filed with the city clerk, he shall immediately deliver the same, or a true copy thereof, to the treasurer, with a warrant thereto annexed, under the corporate seal of said city, and signed by the mayor and clerk of said city, commanding him to receive, levy and collect from the several persons, companies, corporations and associations named in the tax roll, the several sums mentioned in the last column of such roll, opposite to their respective names in the manner in this act provided; and in case any tax levied or assessed for the property of any person or corporation shall remain unpaid on the first day of March next thereafter, to issue to any constable or policeman of the city a warrant, signed by the said treasurer, commanding the said constable or policeman to levy and collect, by distress and sale, the tax and fees so assessed.

Duties of
treasurer
as to tax.

§ 74. Upon receiving the said tax roll, the treasurer shall forthwith give notice in the city papers, designated by the common council for the publication of official notices, that the same has been left with him for collection, and that for thirty days every person, corporation or association may pay his, her, or their tax to said treasurer without any additional charge. For twenty days succeeding, two per cent. fees will be collected. If any tax shall remain uncollected at the expiration of the time last mentioned, the treasurer shall give a written or printed notice to the person or persons against whom such tax remains charged, which shall require said person or persons to pay such unpaid tax to said treasurer at his office on or before the first day of March thereafter, with five per cent. fees thereon, and one dollar extra fee for such notice. Such notice may be served personally upon the person to be served, or by leaving the same at his or her residence or

place of business, or at one of the post-offices in said city, properly folded, post-paid and directed, at least ten days before the expiration of the time last mentioned. For persons not resident within the city, a notice to them or their agents, left at one of the post-offices in the said city of Kingston, properly folded, post-paid and directed to them at their reputed places of residence, shall be sufficient. The person or persons serving said notices shall be designated by the treasurer, and their affidavit of the service of such notice shall be deemed evidence in all courts and places; said notice so served shall be deemed a full compliance with the statute, which requires a collector of taxes to call at least once on the person taxed, or at the place of his usual residence, and demand the payment of taxes charged him on his property.

§ 75. If any tax shall remain uncollected at the expiration of the time mentioned in the last section, it shall be the duty of the treasurer to proceed without delay to issue his warrant under his hand and the seal of the city, to any constable or policeman of the city, or to as many of them as he may deem necessary, who may be approved by the common council, commanding said officer or officers, to levy the tax and fees, by distress and sale of the goods and chattels of the person upon whose real or personal property the tax was apportioned, according to the said assessment or tax roll, or of any goods in his or her possession, wheresoever the same may be found in the city of Kingston, or county of Ulster, and to pay the same to the said treasurer, and return such warrant within twenty days from the date thereof, and no claim of property, to be made to such goods and chattles, shall be available to prevent a sale thereof, except in such cases as are provided for by the general statutes of this State. The said con-

As to uncollected taxes.

Whose and what property to sell.

stable or policeman shall give public notice of the time and place of sale, and of the property to be sold, at least five days previous to the sale, by advertisement, to be posted up in at least three public places in the city. The sale shall be at public auction. If the property shall be sold for more than the amount of the tax and fees and the costs of such distress and sale, which costs shall be the same as those allowed to constables on executions, the surplus shall be returned to the person entitled thereto. *

Taxes
unpaid.

§ 76. If any of the taxes levied and assessed shall remain uncollected and unpaid after the expiration of said * twenty days, and the officer shall not be able to collect the same, the treasurer shall deliver to the clerk of the city an account of the same, with the affidavit of the officer or officers to the effect that he or they had not been able, upon diligent inquiry, to discover any goods or chattles belonging to or in the possession of the person or persons, corporation or association, in the city of Kingston, charged with or liable to pay the sums mentioned in the account, whereon he or they could levy the same. The clerk shall upon receiving such account of unpaid taxes or assessments, compare the same with the original roll, and if it be a true transcript thereof, he shall add to it a certificate, showing that he had so compared it and found it correct, and file the same in his office.

Treasurer
to give
notice of
collection
of taxes.

§ 77. Whenever the treasurer shall receive any warrant for the collection of any taxes or assessments other than the general annual tax levy for city and county purposes, it shall be his duty forthwith to give notice in the city papers designated by the common council for publication of official notices, that the same has been left with him for collection, and that for thirty days thereafter the same may be paid without any additional charge, and for the

* * See page 94, for Chap. 80, Laws of 1877, amending Sec. 75 and Sec. 76.

next thirty days two per cent. fees will be collected ; and, if any tax or assessment shall remain unpaid at the expiration of the time last mentioned, the treasurer shall give a written or printed notice to the person or persons against whom said tax or assessment stands charged, requiring the person or persons to pay such unpaid tax or assessment to the treasurer at his office within thirty days thereafter, with five per cent. fees thereon, and one dollar fee for such notice ; such notice may be served, and all subsequent proceedings for the collection of the tax or assessment taken in the same manner as hereinbefore provided for the collection and enforcement of the general taxes for city and county purposes remaining unpaid after service of like notice.

§ 78. All fees, percentage or interest moneys received by the treasurer shall be paid by him into the treasury of the city, and he shall receive a salary not to exceed five hundred dollars, in full for his services under this act, to be paid to him in quarterly installments.

All fees to be paid by treasurer to city.

§ 79. All the provisions of law in any manner relating to the return of uncollected taxes or the sale of lands therefor, or to the collection of State and county taxes respectively, shall apply to the State and county taxes respectively mentioned in this act so far as the same can be made applicable thereto and not inconsistent with this act.

General law to apply.

§ 80. All acts and assessments under any of the provisions of this act, whether upon real or personal property, shall be a lien upon the real estate upon which the same may be assessed, levied or charged, and upon all the real estate in said city of the person taxed or assessed, and of the person who ought to pay the tax or assessment, from the time of filing the tax or assessment roll or duplicate

Assessments a lien on real estate.

thereof, or the confirmation of an assessment, or of the assessors' certificate, or commissioners' return of an assessment or the filing of the certificate of a special assessment, as the case may be, and such lien shall have a priority over all other liens or incumbrances.

Common
council to
collect tax
by civil
action.

§ 81. The common council shall have power to collect, by civil action, in the name of the city, any tax or assessment, or part thereof, imposed under any of the provisions of this act, which shall be returned by the treasurer as unpaid, and all tax or assessment rolls and commissioners' returns of assessments, and certificates of special assessments and duplicates thereof, filed with the clerk or delivered to the treasurer, or certified copies thereof, shall be prima facie evidence in all courts and places, and in all actions and proceedings, that the taxes or assessments therein contained have been duly and regularly assessed and imposed, and of the right of recovery thereof.

Duties of
common
council as
to unpaid
taxes.

§ 82. Whenever any tax or assessment or part thereof imposed under any of the provisions of this act shall have been returned by the treasurer as unpaid, the common council is authorized to cause the real estate upon which the same is a lien as aforesaid, or so much thereof as it may deem necessary, whether the said real estate be or be not mentioned or described in the tax or assessment roll, assessors' certificate or commissioners' returns of an assessment, or certificate of special assessment containing said unpaid tax or assessment, to be sold at public auction, for a term of time, for the payment of such tax or assessment, with interest and the fees aforesaid. Before any such sale, however, the common council shall give notice thereof as follows: by publishing such notice, which shall contain a brief description of the property to be sold, and specify the time and place of sale, once in a week for three succes-

Notice of
tax sale.

sive weeks, in the newspapers printed in said city, designated for the publication of official notices, and serving a copy of such notice upon the owner of such estate, either personally or by leaving the same at his place of residence with some person of suitable age, or if such owner be a non-resident, then by serving a copy of such notice in the manner aforesaid upon the agent of such owner, or the occupant of such estate or premises residing in said city, or if there be no resident, owner or occupant, or agent, then by mailing a copy of such notice, postpaid and directed to such owner at his place of residence or the post-office nearest thereto, or if such place of residence be unknown, then by posting a copy of such notice in a conspicuous place on such estate or premises. Upon such sale, such property shall be sold to the person who shall ^{Interest to} be sold. offer to take the same for the shortest term for the payment of such tax or assessment, interest and fees, and the cost and expenses of such notice and sale. If such purchaser shall fail to pay such tax or assessment, interest, fees, cost and expense, the common council may cause the same to be collected of such purchaser in the same manner, and the same shall be a lien in all respects as if such tax or assessment, interest, fees, cost and expense were an original tax or assessment.

§ 83. The common council shall thereupon, on payment ^{Certificate} of sale. of such tax or assessment, interest, fees, cost and expense, deliver to the purchaser a certificate of sale signed by the mayor and countersigned by the treasurer, with the corporate seal affixed thereto. The execution of such certificate may be proved or acknowledged in like manner and with like effect as other conveyances of land. It shall be lawful for the mayor, treasurer or clerk, to bid in at such sale for the use of the city, any lot of land or premises put

up, provided no other person will offer to bid, and he shall thereupon place upon file for the use of the city a certificate of such sale.

Certificate
evidence
of title if
no re-
demption.

§ 84. If the owner of such real estate or property, his heirs or assigns, shall not, within two years after such sale, pay or tender to the purchaser or his legal representatives or assigns, or to the treasurer of the city, the amount paid by the purchaser with interest at the rate of twelve per cent. per annum, such purchaser or his legal representatives or assigns, may immediately, after the expiration of said time, enter into the possession of said real estate, and hold, occupy and enjoy the same during the term for which it was sold; and the said certificate, duly proved or acknowledged, or the record thereof, or a certified copy thereof, shall be presumptive evidence of the right of said purchaser, or his legal representatives or assigns, to the possession of said real estate, and for the purpose of obtaining such possession, the said purchaser or his legal representatives or assigns, shall have all the remedies of a purchaser of real estate sold under execution.

Buildings.

§ 85. All buildings erected by the purchaser or his legal representatives or assigns on any premises so sold as aforesaid, may be removed by him or them, at or before the expiration of the term for which such premises were sold.

Entry to
be made.

§ 86. It shall be the duty of the clerk in all cases of such sale to make an entry of the same in the records of the corporation, with the name of such owner, a description of the property sold, the amount and term for which it was sold, and the name of the purchaser.

Guardian
to be ap-
pointed
for infants

§ 87. In case any such estate or property shall belong to an infant or incompetent person, the county judge of Ulster county shall have power, upon the application of

the city, to appoint some suitable person as a guardian for such infant or person in the nature of a guardian ad litem, to protect the interests and rights of such infant or person, and such guardian shall thereupon be served with all notices or papers required to be served, and he shall be entitled to receive five dollars for his services and attendance, and no other fees or costs.

§ 88. If any tax on real estate shall for any cause remain unpaid, the amount thereof, with interest at twelve per cent. per annum, may be added to the annual tax the succeeding year, and charged upon the real estate upon which it was originally assessed, and the same proceedings, in all respects, for the collection thereof, may be had with the like effect as in the case of the tax or assessment on the same real estate for the then current year.

Twelve per cent. added to tax.

§ 89. In case any tax or assessment shall remain unpaid, and there shall be no property out of which the same can be made, the common council may add the amount thereof, to the amount they may raise by tax the succeeding year.

§ 90. The common council, if necessary, may in any year borrow in anticipation of the general city tax, a sum not exceeding ten thousand dollars, to be paid from said tax when collected.

May borrow money

TITLE VIII.

OF STREETS, HIGHWAYS AND SEWERS.

§ 91. The common council shall have the powers, and discharge all the duties of commissioners of highways in said city.

Commissioners of highways.

§ 92. The said common council shall cause to be made a map of all the streets and highways in said city, and to be designated thereon in such a manner as they deem

Maps.

proper, those streets and highways which, in their judgment, cannot be put in a proper condition for general travel without too great expense. They may repair said streets for the convenience and benefit of the inhabitants thereof; but the said corporation shall not be liable for any accident or injury to person or property caused or occasioned by the defective condition of any street or highway thus designated.

Council to
lay out
streets,
etc.

§ 93. The said common council shall have power to lay out, make and open streets, alleys, lanes, highways, public grounds and sewers in said city, and to alter, widen, contract, straighten, extend or discontinue the same, and to cause the same to be repaired or cleaned from time to time as they may deem necessary; they shall cause all streets, alleys, lanes, highways, public grounds and sewers laid out by them to be surveyed, and such surveys filed or recorded in the office of the city clerk, and the same when so opened and made shall be public highways, grounds and sewers.

Proceed-
ings.

§ 94. Whenever the common council shall have determined to lay out, alter, widen, straighten or extend, make, open or construct any street, alley, lane, highway, public ground or sewer, and to take and appropriate the land necessary for the same, and shall have determined to assess the expenses of such improvement, or any part thereof, as hereinafter provided, they shall give notice of such determination to the owner or owners of the lands, by publishing the same once in each week, for two successive weeks, in the newspapers printed in said city, designated by the common council for the publication of official notices; such notice shall specify, in general terms, the improvement to be made, and shall state that such owner or owners on or before a day to be specified, may file their

Notice.

Claims to
be filed.

claim for damages, if any they have, on account of such taking or appropriation, with the clerk of said city, and that, in case any claim for damages shall be filed as aforesaid, the said common council will apply, at a time and place to be specified in said notice, to some court of record for the appointment of three commissioners to ascertain and assess the damages so claimed. In case no claim for damages shall be filed as above provided, such owner or owners shall be deemed to have waived all claims to damages, and to have consented and agreed to such improvement. If any such claim shall have been filed as aforesaid, the said common council, at the time and place in said notice specified, shall make application to said court for the appointment of such commissioners, and any person who shall have filed such claim shall have a right to be heard on such application; the said commissioners having been duly appointed, shall enter upon the performance of their duties without delay, shall each take and subscribe an oath, before some officer authorized to administer oaths, faithfully, honestly and impartially to perform their duty in making such ascertainment and assessment according to the best of their abilities, and shall give notice of the time and place of their meeting to make such ascertainment and assessment by publishing the same once a week, for two successive weeks, in the newspapers printed in said city, designated by the common council for publishing official notices. At the time and place so appointed for their meeting they shall view the premises, and, in their discretion, receive any legal evidence, and may, if necessary, adjourn from day to day; they shall determine and award to the owner or owners, so claiming damage as aforesaid, such damage as, in their judgment, such owner or owners will sustain by such improvements, after making due allow-

Commis-
sioners to
assess
damages.

Official
oath.

Damages,
how
assessed.

ance for any benefit which such owner or owners may derive therefrom. They shall, at the same time, assess and apportion the said damages, if any, of such improvement, on the real estate and against the persons benefited thereby, as nearly as may be in proportion to the benefit resulting therefrom; but if the whole of such damages cannot justly and equitably be assessed on the real estate as above provided, then the said commissioners shall only assess such portion thereon as, in their opinion, will be equitable and just, and the balance, not to exceed twenty-five per centum of the whole expense thereof, they shall assess to be paid by a general tax upon the city, and such balance shall thereupon become a charge upon said city, and shall be added to and raised with the next general assessment and tax for city purposes, and the same shall be payable to the persons entitled thereto, as soon as the same shall be collected as above provided. The said commissioners shall briefly describe the real estate upon which any assessment is made by them, and shall designate the owners or occupants of the several parcels of said real estate, and what parcels, if any, are owned by non-residents, according to the best information they can obtain. If there be any building on any land taken for such improvement, the value thereof to remove shall be ascertained in the assessment, and the owner thereof may remove the same within ten days, or such other time as the common council may allow, after the confirmation of the return of the commissioners, and if the same shall be so removed, the value thereof ascertained shall be deducted from any damages awarded to such owner. The determination and assessment of the commissioners, signed by all of them, shall be returned to the common council, within sixty days after their appointment. If either of the commissioners

Lots to be described.

Assessment, when to be made.

shall be unable to serve from sickness or other cause, the common council may at any time, without further notice, make application to some court of record to have some suitable person appointed in his stead, and such court shall thereupon make such appointment. "After the determination and assessment of the commissioners shall be returned to said common council they shall give notice of the same by publishing for two successive weeks in the newspapers printed in said city, designated by the common council for the publication of official notices," a notice that such report has been filed with the city clerk and may be examined by all persons interested, and that at a time and place to be specified in said notice the said report will be presented at a circuit or special term of the Supreme Court held in the judicial district in which the county of Ulster is situated for confirmation, and that all persons desiring to object to said report shall file their objections thereto in writing, with the city clerk, before the day specified in such notice. On the day specified in such notice or on such other day or days as the said court may designate, the court shall hear the parties in regard to said report and confirm such determination and assessment, or annul the same. If the said court confirm the same it shall be final and conclusive, but if they annul the same they shall refer the matter back to the same commissioners or to the three others to be appointed, without further notice by said court. The commissioners shall proceed in all things in the making and return of the second determination and assessment as though it were the first, and the same proceedings shall be had thereon as if it were an original determination and assessment. After the final confirmation of any such determination and assessment and the filing of a certified copy of the order

Notice,
how
given.

Notice,
what to
contain.

Court to
hear parties
on day
named.

When
common
council
may order
improvement
made.

Notice
how
served.

of the confirmation in the office of the city clerk, the common council are authorized to cause such improvement to be made and completed. Every notice required by this section shall, in addition to the publication thereof, and at least eight days before the time specified in such notice, be served upon each of the owners of the land to be taken for such improvement, in the manner (except as to publication) prescribed in section eighty-two of this act for the service of the notice herein required.

Pay of
commis-
sioners.

§ 95. The commissioners appointed as aforesaid shall be allowed three dollars for each and every day actually and necessarily employed in and about their duties, and such compensation and fees and the charges of surveyors, and other necessary costs and expenses (all of which shall be audited, and the amount thereof fixed and determined by the common council) shall be considered part of the expense of such improvement, and shall be assessed with and as part of the damages, as hereinbefore provided. A warrant reciting the assessment shall be issued for the collection thereof, and the assessment shall be collected in the manner and with the fees prescribed in this act for the collection of city taxes.

Court
always
open.

§ 96. The county court of Ulster county shall be always open for the transaction of any business, or the making of any application contemplated by this title of this act.

§ 97. In all cases where the whole of any real estate, subject to any lease or agreement, shall be taken for such improvement, all the covenants and stipulations contained in such lease or agreement, shall upon the final confirmation of the assessment for such improvement, cease, determine and be absolutely void, and in cases where a part only of any real estate shall be so taken, the said covenants

and stipulations shall be discharged only as to the part so taken, and the county court of Ulster county may, on application in writing of either or any of the parties interested in such lease or agreement, appoint three disinterested freeholders to determine the rents, payments and conditions which shall be thereafter paid and performed under such lease or agreement, in respect to the residue of such real estate; and the report of the freeholders or any two of them, on being confirmed by the court, shall be binding and conclusive on all persons interested in such real estate.

Three freeholders to be appointed to determine rents, etc.

§ 98. The common council shall have power to cause any street, alley, lane, highway or public ground, or any part or parts thereof, in said city, to be graded, paved or repaired, and to cause crosswalks, drains, sewers or culverts to be constructed, made, relaid, amended or repaired, and to determine, by resolution, what part or portion, if any, not exceeding twenty-five per centum of the expenses of such grading, paving, sewers or culverts, made or directed under this section, shall be paid by a general tax upon the city, and such part or portion of such expense shall thereupon become a charge upon the city, and shall be added to and raised with the next general assessment and tax for city purposes; and what part or portion of such expenses shall be defrayed by special assessment upon such portions of the real estate in said city, and against the owners and occupants thereof, as the assessors of said city shall deem more immediately benefited by such improvement. No part of the expense of grading or paving a street shall be assessed upon any lands not bordering on or touching said street. If the common council shall determine to assess the whole or any part of such expense by such special assessment, the said assessors, upon being

Streets, alleys, lanes, drains, crosswalks, sewers, etc., powers of common council respecting:

Special assessment.

Certificate of special

ment, shall have the right to be heard in relation thereto before the common council at their first regular meeting after the delivery of the certificate, as aforesaid, and at their second regular meeting after such delivery, the common council shall either confirm such assessment or annul the same. If they confirm the same, it shall be final and conclusive on all parties and persons interested; but if they annul the same, then all the proceedings of the assessors in relation thereto shall be void, and new proceedings may be taken in the matter in the manner prescribed in this section. If the assessors or any or either of them, be interested in property liable to be affected by such assessment, or from any cause incapable of acting, the common council may appoint in place of each assessor thus disqualified, a disinterested freeholder of said city, residing therein, to perform the duties of such assessor under this section, as to such assessment; and such freeholder, before entering upon the performance of said duties, shall take an oath to make the assessment fairly and impartially, according to his best judgment. When any assessment under this section shall be confirmed by the common council and said certificate thereof and a duplicate shall be thereupon filed with the clerk, and shall both be deemed originals, to one of which shall be annexed the warrant for the collection of said assessment, and to the other a copy of said warrant with a receipt of the treasurer for such certificate and warrant. The compensation of such assessors or freeholders for their services under this section shall be fixed by the common council, and such compensation and all necessary costs and expenses of making such assessment shall be ascertained and audited by the said common council, and by them added to and made a part of the

Right to
be heard.

Confirma-
tion con-
clusive.

When as-
sessor in-
terested,
common
council
may ap-
point free-
holder to
perform
his duties.

Oath.

When cer-
tificate
and dupli-
cate to be
filed.

Assessor,
compen-
sation of.

Assessment, how collected. said assessment; and the whole amount assessed shall be collected in the manner and with the fees prescribed in this act for the collection of the general city tax. When the grade of a street has been established and the street graded accordingly, the grade shall not be changed and the street graded according to the changed grade, except upon petition to the owners of a majority of the lineal feet fronting on the part of the street to be graded, nor unless compensation be made to the owners of property injured by the re-grading, such compensation to be determined by agreement or by three sworn commissioners to be appointed by the county judge of Ulster county, or a justice of the Supreme Court, and to be assessed, as in this section provided, as a part of the expense of such grading.

Amendment of 1875.
Side-walks, power of common council as to.

§ 99. The common council shall have power to require all the sidewalks, and the whole or any part or parts of any sidewalk or sidewalks in said city, to be constructed, made, paved, flagged, curbed, guttered, relaid, reset, amended and repaired, and to require any or either of said improvements, acts or things to be made or done in such manner, at such times and of such materials as they may prescribe and direct; and in exercising said power shall take the steps required by section one hundred of this act. But the common council, at any time, instead of making such requirement as to curbing and guttering, or repairs of sidewalks, may by resolution cause the curbs and gutters to be put down and constructed, or the repairs to be made at an expense not exceeding the regular or usual prices of labor and materials for such purpose, and shall assess and collect such expense in like manner and with like effect, in all respects, as provided in section one hundred of this act. The grading of sidewalks shall be deemed street grading, and the expense thereof shall be

Grading of sidewalks to be deem-

assessed in the manner prescribed by section ninety-eight of this act. The improvements mentioned in this section shall conform to the grades established or to be established before such improvements are made.

§ 100. The common council, in their ordinances requiring all, any or either of the improvements, acts or things mentioned in the last preceding section of this act, shall specify in what manner and within what time, and of what materials, the same must be made or done. They shall cause to be served, at least twenty days before the expiration of the time so specified for such performance, upon the owners or occupants of the lands adjoining such sidewalks so to be improved as aforesaid, a copy of such ordinance, with a notice that if the same is not done within a specified time by the several owners or occupants of the adjacent lands, it will be done by the said common council at the expense of such owners or occupants. Such service shall be made in the manner (except as to publication) prescribed in section eighty-two of this act for the service of the notice therein required. In addition to such service, the common council shall also, at least twenty days before the expiration of the time specified for performance, cause a copy of such ordinance to be published in the newspapers printed in said city, designated by the common council for publication of official notices, for at least one week; which shall be deemed a sufficient publication of such ordinance. Affidavits of the service, and publication of such ordinance, may be filed or recorded, or both, in the office of the clerk of said city; and the said affidavits, or the record thereof, or a certified copy of either, shall, in all courts and places, actions and proceedings, be prima facie evidence of the facts therein stated. In case any such improvement or act, or thing, so required shall

ed street
grading.

Amend-
ment of
1875.

Ordinan-
ces re-
quiring
improve-
ments,
what to
specify.

Copy of
ordinance
to be serv-
ed.

Manner
of service.

Publica-
tion of or-
nance.

Affidavits
of service
or publi-
cation to
be evi-
dence.

not be made, done or completed, as required within the time so specified, the common council shall have power to make, do or complete the same, and having done so, shall, without giving a further or other notice, proceed to make a special assessment of the expense thereof against the delinquent owners or occupants, and upon the said adjoining lands owned or occupied by them, assessing upon each parcel or lot of land the expense of the sidewalk immediately adjoining it, and a due proportion of the expense of making said assessment; and the said assessment from the time of the filing of the certificate thereof shall be final and conclusive upon all persons and parties affected thereby. The said common council shall make and file with the clerk a certificate of such assessment and a duplicate of said certificate, both of which shall be deemed originals, and to one of which shall be attached the warrant for the collection of said assessment, and to the other a copy of said warrant and the treasurer's receipt for said certificate and warrant. The said certificate shall be substantially in the form prescribed in section ninety-eight of this act for the certificate therein required, and shall be signed by the common council or a majority of them. And the assessment shall be collected in the manner and with the fees prescribed in this act for the collection of the general tax.

Special assessment, how made.

Assessment final.

Certificate of assessment.

Warrant for collection.

Form of certificate.

Guardians for infants.

§ 101. Whenever an infant or other incompetent person shall be interested in any real estate affected by any improvement under this act, the county judge of Ulster county shall have power to appoint a guardian in the nature of a guardian ad litem, to protect the interests of said infant or other incompetent person; such guardian shall be entitled to receive for his services a sum not exceeding five dollars, and no other costs or fees.

§ 102. If the common council shall require any sidewalk, or curb, or gutter or any part thereof, which has once been made, to be repaired, relaid or reset, it shall be sufficient to serve upon the owner or owners, occupant or occupants of the lands adjoining such sidewalk, a notice requiring him or them to repair, relay, or reset such sidewalk, curb or gutter, within a time to be specified in such notice, in accordance with the ordinance or resolution or both, applicable to said sidewalk, curb or gutter; and it shall not be necessary to state in such notice any portion, or the substance of any portion, of such ordinance or resolution or to make any specific reference thereto. Such notice shall be served upon such owner or occupant personally or by leaving the same at his residence with some person of suitable age and discretion, or by depositing the same, postpaid, in any post-office in said city, addressed to such owner or occupant at his place of residence, or if such owner be a non-resident of said city, and his lands be unoccupied, by posting said notice in a conspicuous place upon said land. The expense of such repairs, relaying and resetting, or either, if incurred by the city, shall be paid by the owner or occupant into the city treasury, on notice or demand so to do, or may be collected by action or by special assessment.

Amendment 1875.
Sidewalk, curb or gutter, repairing or resetting of, notice.

Notice, how served.

Expense to be paid by owner or occupant.

§ 103. The said common council shall have power to establish the grades of all streets, lanes, alleys, highways and sidewalks in said city, and to require the same to be made and repaired in conformity thereto.

To establish grades.

TITLE IX.

OF THE FIRE DEPARTMENT.

§ 104. The common council shall have power to estab-

Fire department to be established by council.

lish and maintain an efficient fire department in said city, and make all necessary rules and regulations for the government and discipline thereof; to purchase and repair fire engines, hooks, ladders, trucks, hose-carts, hose, and all other apparatus necessary for the extinguishment of fires; to erect or to provide houses for such engines, trucks, carts, or other apparatus, and purchase or lease land and premises for that purpose, and to compel owners or occupants of buildings in said city to provide one or more fire buckets or pails, and regulate the place and manner of keeping the same.

Amendment of 1877.
Fire Department organization.

§ 105. The fire department of the city of Kingston shall consist of a chief engineer and four assistant engineers to be appointed by the common council, and such number of firemen to be appointed by the common council as it may determine.

How appointed.

§ 106. The firemen shall be appointed and vacancies filled in the different companies of the fire department of said city, by the common council, upon the nomination of a majority of the members of the company in which said appointment is to be made or vacancy filled. The common council are authorized to withhold and refuse such appointment if, in their judgment, for any cause, the person thus nominated ought not to be appointed.

New companies.

§ 107. The common council shall have power, at their discretion, to organize new fire engine, hook and ladder or hose companies as often as they may judge the interest of the city may require, and to disband such as they may deem unnecessary, or such as may prove refractory and unwilling to obey the lawful orders of the common council, mayor or chief engineer.

Amend't of 1877.

§ 108. The present firemen of the city of Kingston

shall continue firemen of said city, subject to removal by the common council.

Present
firemen to
continue.

§ 109. Any officer or member of the fire department may be removed, expelled, suspended, censured or reprimanded by the common council for incapacity, neglect of duty, disobedience of orders, intemperance, insubordination or other misconduct tending to destroy the efficiency and discipline of the department, after giving him five days' notice to show cause against such removal, and an opportunity of being heard in his defense, and in the meantime may suspend him without notice; and the said common council shall have power to provide for the punishment of any member of the fire department for disorderly conduct, disobedience of orders or insubordination, by fine not exceeding fifty dollars to be sued for and recovered in the name of the corporation, and paid into the treasury for the benefit of the fire department of said city.

Officers
and mem-
bers ex-
pelled for
miscon-
duct.

§ 110. It shall be the duty of the members of the fire department promptly to turn out upon every alarm of fire, and aid in the extinguishment thereof, and whenever called upon by the mayor or any of the common council to aid in the suppression of all riots or riotous assemblages in said city; and they are hereby declared exempt from prosecution or indictment for any act done in the reasonable and proper discharge of their duty at such fires, riots or riotous assemblages.

Amend-
ment of
1877.

Firemen to
turn out
and aid in
suppres-
sion of
riots, etc.

§ 111. The common council shall have power, in their discretion, to call out the whole of the fire department, or any part thereof, for improvement and inspection, as often as they shall deem it proper or necessary.

Amend-
ment of
1877.

Firemen
Inspection

§ 112. The chief engineer of the fire department, under the direction of the mayor and common council, shall have the general superintendence and custody of the fire

Amend-
ment of
1877.

Duties of
Chief En-
gineer, have

charge of
fire appa-
ratus.

department, engines, engine houses, hooks and ladders, hose, public cisterns and other apparatus or conveniences for the extinguishment of fires ; it shall be his duty to see that they are kept in proper order, and to make detailed reports to the mayor of the condition of the department one week before the annual city election, and to make like reports to the common council as often as they may require the same. It shall also be his duty to be present at fires of buildings, and take command of the several companies belonging to the fire department, and the general control of the engines, trucks, hooks and ladders, carts, hose and other apparatus for the extinguishment of fires. He shall have power to immediately suspend any officer or member of the fire department, while they shall be on duty at fires or otherwise, for disobedience of orders, incapacity, intoxication, disorderly conduct, insubordination or neglect of duty ; but in case he shall thus suspend any such officer or member, he shall report the facts in writing to the mayor forthwith, who shall lay the same before the common council at their next regular meeting, and they shall thereupon at such meeting, or such other time as they may appoint, proceed to hear and determine the matter, and shall either restore such officer or member, or expel, suspend, censure or reprimand him, as hereinbefore provided. The said chief engineer shall also have such other powers and perform such other duties as the common council may prescribe in the ordinances or by-laws.

Power to
suspend
officers
and mem-
bers.

Amend-
ment of
1877.

Duties of
Assistant
Engineers.

§ 113. The assistant engineers shall aid the chief engineer at all fires in their respective districts ; and in case of the absence of the chief engineer, his powers and duties shall devolve upon, and be discharged by, the first assistant engineer ; and in case of the absence of both the chief and first assistant engineers, such powers and duties shall

devolve upon and be discharged by the second assistant engineer; and so on to the third and fourth assistant engineers and in case of the absence of the chief and all the assistant engineers, such powers and duties shall devolve upon and be discharged by such persons as the common council may appoint or designate in the ordinances and by-laws.

§ 114. The common council, the mayor, the recorder, or any member of the common council, engineer or fire warden, may keep all idle or suspicious persons away from the vicinity of any fire in said city, and may require the inhabitants of said city, or any bystander, to form ranks or lines to carry water for the extinguishment of any fire, and to aid the firemen in working their engines, hooks, ladders, hose, and to aid in removing or protecting property thereat.

Power of
mayor
and other
officers at
fires.

§ 115. Any member of the fire department, or any other person, who shall, at the time of any fire in said city, be guilty of any insubordination, or disorderly conduct, or shall attempt to obstruct the operations of the fire department, or to excite insubordination in others, or shall willingly neglect or refuse to obey, or attempt to prevent or obstruct the execution of the orders of the proper officers; or any inhabitant or bystander who shall refuse or neglect to obey the order of any officer given under authority of the last preceding section, shall forfeit for each offense, such penalty as shall be prescribed in the ordinances or by-laws of the city, not exceeding fifty dollars, to be sued for and recovered in the name of the corporation, and paid to the treasurer of the fire department for the benefit of such department.

Penalty
for mis-
conduct at
fires.

§ 116. Every fireman who shall have faithfully served for the term of five years in said city as such shall there-

Exemp-
tion of
firemen.

after be exempt from service on juries, or in the militia, except in case of war, invasion, riot or insurrection. The evidence to entitle a fireman to the exemption provided in this section shall be a certificate, under the corporate seal of said city, signed by the mayor and clerk of said common council. No such certificate shall be given until the applicant shall have made and filed with the clerk an affidavit that for five years preceding he has regularly served as a fireman, and actually been present with his company at the fires in said city except when detained therefrom by absence from the city, sickness, or some other unavoidable circumstances, and said common council may also, in their discretion, require that such applicant shall have paid up all dues to the company to which he belongs, or been honorably discharged therefrom.

Recovery
of penal-
ties not
affected.
(Section
118 of or-
iginal act.)

§ 117. The recovery of any penalty or fine under the provisions of this title of this act shall not prevent the exercise or carrying out of any of the powers conferred by this title, nor shall the exercise or carrying out of any such powers be a bar to the recovery of any such penalty or fine.

Amend-
ment of
1877.
Vote on
Proposi-
tion to
Establish
Police
Dept.

§ 118. The common council may, in any year, at the annual city election, but not oftener than once in five years, submit to the taxable inhabitants of said city a proposition to establish a police department therein. The vote on such proposition shall be taken by ballot, which shall be indorsed "police," and shall have on the inside the words "for a police department," or "against a police department." No person shall vote on such proposition unless he shall be an elector of said city, and shall have resided therein for six months next preceding the time when he offers his vote, and shall be a bona fide tax payer on real estate in said city and have his name enrolled on the tax-roll of said city. The clerk shall

give ten days' notice of any such election or meeting by publishing such notice in the newspapers published in said city, designated by the common council for the publication of official notices, and by posting such notice in at least one of the most public places in each ward or election district thereof, which notice shall distinctly state the object of such election or meeting. All the provisions of this act in any way applicable to any annual election in said city, or to the ascertainment of the result thereof, shall be applicable to said election or meeting, and to the ascertainment of the result thereof, so far as the same can be adapted thereto. The clerk shall furnish to the inspectors of election in each ward or election district, for use at such election or meeting, a certified copy of the names of the taxpayers upon real estate upon said tax-roll. If such proposition to establish a police department be voted down, it shall not be again voted on before the next annual city election. If the majority of the votes cast at any such election or meeting be in favor of said proposition to establish a police department in said city, the common council shall then and thereafter have power to establish and maintain a police department as hereinafter provided, and to raise by tax upon the taxable inhabitants and property of said city, a sum not exceeding thirteen thousand dollars per annum to pay the expenses thereof, which sum shall be added to the general tax of said city.

§ 119. When the common council shall determine to establish a police department, it shall be under the general control and management of police commissioners, which shall consist of the mayor and four other persons, to be appointed by the common council to serve without pay, who shall constitute a board of police in the manner following, namely :

Notice of
such elec-
tion.

Amend-
ment of
1877.
Board of
Police.

Police
Commis-
sioners.
How Ap-
pointed.

1. The common council at the first appointment shall appoint two commissioners, who shall serve for two years, and two who shall serve for one year.

Term of
office.

2. At the expiration of the said respective terms of office, the full term thereafter shall be for two years. Whenever any vacancy shall occur in said board by death, resignation, removal or otherwise, the common council shall have the power, and it shall be their duty, to fill the vacancy.

Organiza-
tion and
govern-
ment of
Board.

3. The said commissioners, including the mayor, shall constitute the board of police for the city of Kingston, of which board the mayor shall be president, and the city clerk shall act as the clerk thereof, and such board may adopt rules and by-laws for the government thereof, and may establish, promulgate and enforce proper rules, regulations and orders for the good government and discipline of the whole force, and shall cause a suitable number of copies thereof to be printed for the use of the department.

To take
oath of
office.

4. The said commissioners of police, when entering upon the duties of their office respectively, shall take upon themselves the usual oath of office, and shall meet at the mayor's office, or any other suitable place, at such time as may be expedient, or as they shall from time to time designate, and on special occasions as the mayor may appoint in writing, notice of which shall be served on such commissioners personally, or be left at the place of residence or of business of such commissioners respectively; and if either of said appointed commissioners should be elected to and accept the office of mayor, then the common council shall proceed as in case of vacancy; and no alderman shall be eligible for appointment as police commissioner; and any of the appointed commissioners who shall hereafter be appointed to any political office of the city,

Meet on
Mayors
notice.

and shall not, within ten days, publicly decline the same, shall be deemed to have vacated his office of said commissioner.

5. For the purpose of providing a permanent and effective police force, it shall be the duty of said board of police, upon the first day of April in each year, or as soon thereafter as may be, to select from among the electors of said city, and unanimously appoint by warrant of appointment bearing the signatures of all three of said commissioners, and to be immediately filed with the city clerk, so many permanent policemen as the common council may deem necessary, not to exceed twenty-four at any one time, on the said police force. And said board shall in like manner also appoint one city chief of police, through whom such board may promulgate all rules, regulations and orders to the whole force, and who shall have the immediate direction and control of said force, subejet, however, at all times, to the rules, regulations and orders of said board, and to the orders of any member thereof, provided the orders of such single commissioner do not conflict with the rules, regulations or orders of said board then in effect, and such chief of police and each policeman appointed in the manner aforesaid, may hold his respective office during the term of one year, or until said board, by unanimous vote, shall decide such chief of police or policeman to be incompetent or inefficient, and cause his removal by duly appointing in his place some other person, in the manner above provided. The mayor or any one of said commissioners, at any time, upon charges being preferred, or upon finding the chief of police or any other member of the police force guilty of misconduct, shall have power to suspend such officer from service until the board of commissioners shall convene and take action in

Policemen
how ap-
pointed.

May be
suspended
or dis-
charged.

the matter ; provided, however, that such member shall not remain so suspended for a longer period than thirty days, without an opportunity of being heard in his defense ; and upon hearing the proofs in the case, a majority of such commissioners may discharge or restore such member, in accordance with the decision of the majority of such board thereon, and the pay or salary of any member shall cease from the time of suspension to the time of restoration to service, unless otherwise ordered by said board of commissioners in their written decision, which shall be filed with the clerk ; and any violation of the rules, regulations or orders of the board, or orders of any superior, shall be good cause of removal. The salary of said chief of police and policemen shall be fixed by the common council. The said chief of police and every policeman, duly appointed as aforesaid, shall have issued to him a warrant of appointment signed by the president of the board, and countersigned by the city clerk, and stating the date of his appointment, which shall be his commission, and he shall take the proper oath of office and subscribe the same in a book kept for that purpose, and he shall have the same power and authority, and be subject to the same regulations and liabilities as constables of towns, except as to civil actions or proceedings, and except as herein otherwise provided. The said chief of police and policemen shall have power and authority, respectively, to arrest any person or persons by them found violating any of the penal ordinances or laws of said city, and to take such person or persons before the mayor, recorder or any justice of the peace of said city who may be serving in his place, to be dealt with the same as if such person or persons had been arrested upon warrant thereof duly issued by such recorder ; and it shall be the

Salary to be
fixed by
Common
Council.

Powers and
duties of
Policemen.

duty of said chief of police and policeman, respectively, to enforce any and all of the penal ordinances and laws of said city of Kingston.

TITLE X.

MISCELLANEOUS PROVISIONS.

§ 120. Every by-law, ordinance, rule, regulation, resolution or proceeding of the common council of said city, By-laws etc., evidence. may be read in evidence in all courts and places, and in all actions and proceedings, either from a copy thereof, certified under the corporate seal by the mayor or clerk of said city, or from any printed volume containing such by-law, ordinance, rule, regulation, resolution or proceeding, and accompanied by a certificate signed by the clerk of said city, that such volume contains a correct transcript of such by-law, ordinance, rule, regulation, resolution or proceeding, and that the same was printed by authority of said common council.

§ 121. No person shall be an incompetent judge, justice, or juror, by reason of his being an inhabitant of said city, Residents may serve as judges and jurors, or liable to taxation therein, in any action or proceeding in which the said city or corporation is a party or interested.

§ 122. When judgment shall have been recovered in favor of said corporation for any fine, penalty or forfeiture, execution thereon may issue against the person as well as the property of the defendant, in the form prescribed by law for such executions.

§ 123. The mayor, recorder and aldermen, and each and every of them, and the constable and policemen shall Disorderly persons to be arrested. respectively have power, and are hereby authorized, at any and all times, to arrest or cause to be arrested, with or without process, all vagrant or disorderly persons, or any

person who may be found by them committing any crime, misdemeanor or breach of the peace, and shall have power, while in pursuit or search of any such person, to enter or cause to be entered, with or without process, any building or place in said city, and the common council may, by ordinance or resolution, confer the same power or such portion thereof as they deem necessary and proper, upon the special policemen. The person thus arrested shall be dealt with according to law.

Lock-up.

§ 124. The common council may also establish and maintain a city lock-up or station or watch-house, which may be used instead of the county jail for the temporary confinement of offenders.

Proceed-
ings as to
bonded
debt.

§ 125. The city of Kingston shall be liable for its proportion of the bonded debt of the town of Kingston, according to the assessment roll of eighteen hundred and seventy-one, to be assessed upon and collected out of the property of the city of Kingston, at such times as may be necessary, punctually to pay and discharge the principal and the annual interest accruing thereon. And the said city shall be entitled to its proportionate share of the stock of the Rondout and Oswego Railroad Company, and of the stock of the Wallkill Valley Railway Company, subscribed for or purchased, or agreed to be subscribed for or purchased, by the commissioners for said town appointed pursuant to the provisions of any of the statutes of this State. The board of assessors of the city of Kingston and the board of assessors of the town of Kingston, which shall be the first incumbents after the passage of this act, having first taken and filed with the clerk of Ulster county an oath, honestly, and impartially and faithfully to perform their duties under this section, shall, as soon as may be after the passage of this act and the organization of said city,

R. R.
stock to
be di-
vided.

ascertain from the assessment roll of the said town of Kingston for the year eighteen hundred and seventy-one the total assessed valuation of all the real and personal property within the limits of the city of Kingston as defined by this act, and the proportion of said city valuation to the said town valuation. The proportion of said bonded debt for which said city shall be liable, shall be that amount thereof which shall bear the same proportion to the whole bonded debt of said town as the said valuation shall bear to the said town valuation, and the said city shall be entitled to the same proportionate share of the aforesaid stocks subscribed for or purchased, or agreed to be subscribed for or purchased, as aforesaid. The aforesaid town and city assessors shall by that standard ascertain and determine the amount of said bonded debt for which the said city shall be liable, and also the number of shares in the capital stock of the Rondout and Oswego Railroad Company, and also, separately, the number of shares in the capital stock of the Wallkill Valley Railway Company to which the said city shall be entitled; and they shall also, by the same standard, ascertain and determine the amount of said bonded debt, for which the said town, as it shall exist after this act shall take effect, shall be liable, and also the number of shares in the capital stock of the Rondout and Oswego Railroad Company, and also separately by the number of shares in the capital stock of the Wallkill Valley Railway Company, to which the said town shall be entitled. The said assessors shall make a report of their determination and proceedings which shall be signed by them or a majority of them in triplicate, one copy thereof to be filed with the clerk of the county of Ulster, another copy to be filed with the clerk of the city of Kingston, and the other copy thereof

Assessor
to make
report.

Stock to
be trans-
ferred.

Deemed a
town for
certain
purposes.

to be filed with the town clerk of the town of Kingston. The commissioners for said town of Kingston appointed under any of the statutes of this State authorizing the bonding of said town of Kingston to take stock in either of said railroad companies, shall respectively, upon the service on and delivery to them of a copy of said report, certified by the clerk of the county of Ulster, transfer to the city of Kingston the number of shares in the capital stock in the Rondout and Oswego Railroad Company, and the number of shares in the capital stock of the Wallkill Valley Railway Company, to which the said city shall be entitled by the determination declared in the report aforesaid, and pay over to the treasurer of said city all the dividends and money, if any, arising therefrom. Each of said assessors shall receive for his services under this section three dollars per day, the town assessors to be paid by the town, and the city assessors by the city. The city of Kingston shall be deemed a town for the purposes and provisions of the several acts of the Legislature of this State, under which the said town of Kingston was bonded, and subscriptions made to the capital stock of said railroad companies, or either of them, and all the provisions of said statutes, and of the acts amendatory thereof, shall apply to said city and commissioners thereof, and the officers of said city with the modifications required by this act. The existing commissioners of the town of Kingston, under either of said statutes, who shall reside within the limits and boundaries of the city of Kingston, shall continue and perform the duties of such commissioners for said city, until the expiration of the term of office for which they are respectively appointed, and shall each be entitled to vote on one-third of such stock so transferred to said city. The offices of such commissioners for the town

of Kingston, as it shall hereafter exist, and all vacancies in such offices either in said city or said town, shall be filled as now provided by law. The taxes to pay the whole or any part of either the principal and interest of the amount of said bonded debt for which the said city shall be liable as aforesaid, shall be included in the quota of said city, and levied and collected in the manner hereinbefore provided for the collection of taxes for State and county charges. The bonds required to be given by said commissioners shall be executed to the said city, and the sufficiency of their sureties determined by the common council of said city. The common council may, in their discretion, require new bonds to be given by the present commissioners or any of them who shall continue in office, under the provisions of this act.

Tax, how
levied.

§ 126. The city of Kingston shall succeed to and be vested with all the rights and property of the respective villages of Kingston and Rondout, and shall succeed to and be liable for all the liabilities of said respective village corporations; and every suit, prosecution or proceeding commenced by or against said village corporations, or either of them, may be continued by or against said city.

Rights of
property.

§ 127. James G. Lindsley, George C. Woolsey, Elias T. Van Nostrand, Simon S. Westbrook and William F. Russell shall be a commission to inventory the real and personal property of the village of Kingston and of the village of Rondout, and adjust any difference of the corporate debt and property of the said villages so that the same may be properly equalized between the said villages and the taxable inhabitants and property thereof, by special tax upon the taxable property in the village against which the balance exists, according to the tax assessment roll of said village.

Commis-
sioners.

By-laws. § 128. The existing ordinances, by-laws, resolutions and regulations of the trustees of the village of Rondout, and of the directors of the village of Kingston, as the same shall be in force when this act takes effect, shall be and continue in force, and shall have the same force and effect over the entire limits of the city of Kingston as in and by this established, and shall be and continue in force, and have the same force and effect over the whole city as if duly adopted, passed and published by the common council of said city until the same shall be repealed by the common council of said city.

Balance of town of Kingston not in bounds of city to be a separate town. § 129. The balance of the town of Kingston, not included within the bounds of the city of Kingston, shall be a separate and distinct town with all the rights and privileges of a town as provided by law; all officers of said town, who shall be residents of the same as hereby altered, shall continue to hold their offices for the time and in the manner prescribed by law; all officers holding their offices by either election or appointment, who shall cease to be residents of the town of Kingston, in consequence of the alteration of said town hereby, shall be deemed to have vacated their offices from the day when this act shall take effect, as if they had removed from the town, except such justices of the peace heretofore elected in the former town, who shall be residents of said city, who shall respectively continue in office as hereinbefore provided as justices of the peace in said city; all vacancies so created except in elective officers, shall be filled as now provided by law; a town meeting of the town of Kingston shall be held after the passage of this act, on the day of said first city election, and at such place as the supervisor of the present town of Kingston shall appoint; the said supervisor shall, immediately after the passage of this act, give notice of

Town meeting.

the time and place of such meeting, and of the officers to be elected at the same, by publishing such notice in at least two newspapers printed in the present town of Kingston, and by posting the same in at least five public places within said town as altered; at such first town meeting officers shall be chosen according to law, to fill all vacancies created in elective offices by the provisions of this act, and all other proceedings shall be had prescribed by statute in the organization of new towns; the present supervisor and justices of the peace of the present town of Kingston shall preside at such town meeting, and the same shall be conducted in all respects as prescribed by statute for town meetings; the officers elected at such town meeting shall hold their office for the term and in the manner prescribed by law, as if they had been elected at a town meeting held at the time appointed for holding town meetings in Ulster county; the justices of the peace of the town of Kingston, as altered hereby, shall possess all rights, powers and jurisdiction in both criminal and civil matters of the justices of the peace in towns, and shall be subject to the provisions of all statutes relating to justices of the peace, their powers, duties, courts and judgments, appeals therefrom, and all proceedings therein.

§ 130. This act is hereby declared to be a public act, and the same shall be constructed* favorably for any beneficial purposes thereof.

§ 131. The Legislature may at any time alter or repeal this act.

§ 132. This act shall take effect immediately.

*So in the original.

CHAP. 80.

AN ACT to amend sections seventy-five and seventy-six of the charter of the city of Kingston.

PASSED March 30, 1877 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section seventy-five of the act entitled "An act to incorporate the city of Kingston," passed March twenty nine, eighteen hundred and seventy-two, is hereby amended by adding at the end thereof the words: "The Treasurer, if authorized by the common council so to do, may from time to time renew such warrant or warrants for such period or periods as the common council may from time to time direct. Every such renewal shall keep any such warrant in full force and virtue for the period for which it shall be renewed."

§ 2. Section seventy-six of said act is hereby amended by inserting immediately after the words "twenty days" therein, the words "or after the expiration of said renewal or renewals."

§ 3. This act shall take effect immediately.

STATE OF NEW YORK, }
Office of the Secretary of State, } ss.:

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole of said original law.

JOHN BIGELOW,
Secretary of State.

ORDINANCES.

POWERS AND DUTIES OF CERTAIN OFFICERS.

AN ORDINANCE concerning the Powers and Duties of certain Officers.

PASSED JUNE 19, 1872.

The Common Council of the City of Kingston do ordain as follows :

SECTION 1. Every person violating, or refusing or neglecting to obey any lawful command or direction of the mayor, or acting mayor, superintendent of streets, sewers and city property, or of any fire-warden or alderman, given by him in pursuance of any power or duty conferred or imposed upon him by the city charter or any other statute of this State, or by any ordinance of this city, shall thereby for each violation, refusal or neglect, incur a penalty of not less than five nor more than twenty-five dollars, in the discretion within those limits of the court before which the prosecution for such penalty shall be had.

§ 2. The mayor is hereby authorized to direct by writing to be signed by him any prosecution to be commenced and prosecuted to judgment against any person in the name of the city, for any violation of any ordinance of the common council, or any resolution having the effect of an ordinance, or for the recovery of any penalty or forfeiture, cost and expenses prescribed or imposed by such ordinance or resolution or by any law of this State, and which may be sued for and recovered in the corporate name of the city in any such action, and it shall be the duty of the corporation counsel to appear for the city and prosecute the action to judgment; and every direction and authority given in accordance with this section, shall be as valid and effectual as if given or conferred by the common council. In case of the absence or disability of the mayor, this section shall apply to the acting mayor.

§ 3. It shall be the duty of the city clerk,

1. To record at length the ordinances, rules and resolutions of the common council as a part of their proceedings, and such reports or other documents or portions thereof as the common council may by special resolution direct him to enter in their proceedings.

2. To cause to be published in the manner required by law, all

ordinances of the common council, and to procure and file in his office proof of their publication, which proof shall be in such form as may be approved by the corporation counsel.

3. To post, enter or record all such ordinances in a book or books provided and kept for that purpose (keeping ordinances or resolutions relating to street or sidewalk improvement separate from the others), and to add after each ordinance so posted, entered or recorded, a certificate of the time and manner of its publication, which certificate shall be in such form as may be approved by the corporation counsel.

4. To cause to be published and served in the manner required by law, under the advice of the corporation counsel, all ordinances, resolutions and notices of the common council which are required to be published or served, and to procure and file in his office affidavits of their service and publication; which affidavits shall be in such form as may be approved by the corporation counsel.

5. To cause to be printed when ordered by the common council for the use of the city officers, a pamphlet volume containing the city charter, the act amending the same, the general orders and regulations of the board of health, the general ordinances and resolutions of the common council, and such other matter as the common council may direct, together with a certificate signed by said clerk in such form as may be approved by the corporation counsel, to the effect that such volume contains a correct transcript of every ordinance or resolution embraced in it, and was printed by authority of the common council. The number of copies of said volume shall not exceed two hundred, unless the common council direct a larger number to be printed.

6. To preserve and safely keep all maps, surveys, field books, reports, certificates, deeds, books, bonds, agreements, vouchers of the city treasurer, memoranda and papers, the property of the city of Kingston or relating to its affairs, which are now in or which shall hereafter come to his hands or possession as such clerk.

7. To furnish when required for use for the city or the commissioners of the alms-house, in any litigation or otherwise, certified copies of any ordinance, resolution or proceeding of the common council and of any paper or record in his custody.

8. To furnish any member of the common council any information in his power relative to the business of the city.

9. To prepare and furnish to the mayor or presiding officer of the common council at each or any meeting, if required by him, a minute of any business referred to committees at any previous meeting which has not been reported upon, and of any unfinished business.

10. To report to the common council the names of all persons who shall neglect or refuse to qualify or take upon themselves any office to which they have or shall have been elected or appointed.

11. To number consecutively all bills, accounts and claims after they shall have been acted upon and file the same in the order of their numbers; to mark upon each bill audited the number of the warrant issued for its payment as soon as the same shall be issued; to permit no bill or account to be withdrawn after being presented, unless by order of the common council; and to keep an audit book and properly enter therein without delay, every bill, account or claim in the order of its number, after it has been acted upon by the common council and audited and allowed

either in whole or in part or rejected, in such manner as to show the number of the account, the number of the warrant (if any) for its payment, the date of the action upon it, the amount claimed, the amount allowed, and, if it was rejected, the fact of its rejection.

12. To enter in a book to be provided for that purpose all assessments, after the same shall have become final, for or on account of the opening or improvement of any street, alley, public ground, sewer, drain, culvert or sidewalk.

13. To keep an accurate account of the receipts and expenditures of the city, in a general account; and also separately, classifying them with reference to each source of revenue and each general object, class of objects or purposes for which expenses are made or incurred and in reference to each opening of a street or sewer, or other improvement involving an assessment; to charge the treasurer separately with the amount of each tax or assessment for the collection of which a warrant shall be issued to him and credit him with the amount collected on each as well as the amount allowed by the common council as uncollectable on each, so as to show the condition of the account as to each tax or assessment separately; and also to charge the treasurer with all moneys received by him from any and all sources and credit him with all moneys lawfully paid out by him as well as the amount remaining in the treasury, so as to show the condition of the accounts at any time a balance may be required to be struck.

14. To do and perform all other duties required of him by law or by any ordinance or resolution of the common council.

§ 4. The city treasurer shall keep his accounts as required by the charter and in the manner indicated in subdivision 13 of the last preceding section and shall confer with the clerk to the end that their respective accounts may be classified alike. He shall report to the common council at its first meeting in every month, the condition of the city finances and of each fund.

§ 5. It shall be the duty of the superintendent of streets, sewers and city property, in addition to the duties imposed upon him by the city charter,

1. To see that all contracts for labor or materials or for any public improvement which may exist between the city and any person or persons, are faithfully and properly performed by the contractors, and to report to the mayor any failure or neglect on the part of any contractor.

2. To see that the inlets to the sewers are kept open, that the streets and alleys are not encumbered with obstructions or nuisances and that there are no violations of the city ordinances respecting them.

3. To superintend the making of street, sewer and sidewalk improvements, to the end that they may be made in accordance with the ordinances therefor.

4. To designate (in conjunction with the health officer and health superintendent) the time of cleaning each street and to give or cause to be given notice thereof by a written or printed notice, to the owner or owners, occupant or occupants of every lot, tenement or building fronting or bordering on the same; and to see that the scavengers or contractors promptly and faithfully remove the dirt and refuse heaped up by such cleaning, and the garbage deposited in vessels for removal.

5. To cause all ordinary repairs to be made to the streets so as to

keep them in good condition and to report to the mayor or common council the necessity, whenever it exists, of any further repairs to the streets or of any repairs to any of the sewers or city property.

6. To report to the mayor or common council all violations falling under his observation, of any city ordinance.

§ 6. It shall be the duty of the fire-wardens in their respective wards, when required, carefully to examine and inspect all fire-places, grates, furnaces, stoves, stove-pipes, ovens, chimneys and places for keeping or depositing ashes or charcoal; and when required by the mayor or any alderman of said city, or requested by any citizen thereof, to examine and inspect any particular fire-place, stove, stove-pipe, place for keeping and depositing ashes or charcoal, and all other places which may be reported in a dangerous situation, by reason of fire, and give such orders and directions relative thereto as by them shall be deemed necessary for the security and safety of said city, and to make written reports of such examinations and inspections to the mayor, at least once in every month; and to enforce the ordinance for the prevention of fires and promptly report to the mayor or common council all violations thereof; and to perform all other duties imposed upon them by any ordinance of said city.

§ 7. It shall be the duty of the said fire-wardens in their respective wards immediately on the alarm of any fire which may take place in the said city, to repair to the place where such fire may be, and to act as conservators of property at such fires, and to take charge and custody of any goods and chattels which may be in danger from fire, and to direct the removal thereof; and when the same shall be removed, to secure them against such fire and their being wasted or purloined; to aid and assist in procuring supplies of water when necessary by requiring the inhabitants of said city or any by-standers to form ranks and lines to carry the same; to require such inhabitants or by-standers to aid the firemen in working their engines, hooks, ladders or hose, and to aid in removing and protecting property at such fires; to prevent the hose from being trod upon or injured, and to keep all idle persons at a proper distance from the fire and the vicinity thereof.

§ 8. Any fire-warden who shall neglect or refuse to perform any of the duties prescribed in the two last preceding sections, shall be liable to the penalty of ten dollars for each and every offense.

§ 9. The said fire-warden, when at fires, shall be subject to the direction of the chief engineer of the fire department, or the person acting in his stead.

§ 10. If any person or persons shall molest, or prevent any of said fire-wardens in the performance of any of their duties, such person or persons shall, for every such offense, forfeit the penalty of ten dollars.

§ 11. In addition to their other duties, the constables, policemen and special policemen shall report to the mayor or common council all violations of any of the city ordinances, coming under their observation.

JAMES G. LINDSLEY, Mayor.

P. FREEMAN HASBROUCK, City Clerk.

PUBLIC POUND.

AN ORDINANCE to establish and regulate a Public Pound and restrain certain Animals and Fowls from running at large.

PASSED JUNE 17, 1872.

The Common Council of the City of Kingston do ordain as follows :

SECTION 1. The said common council shall from time to time designate by resolution a lot or lots to be used by the pound-master for the impounding of animals running at large, which lot or lots shall for the time being and during the continuance of such resolution be the city pound, and there shall be appointed from time to time by the said common council a pound-master or keeper of the city pound, whose duty it shall be to keep the said pound at all times ready for the reception and confinement of all animals in this ordinance named, found running at large in said city ; to provide the necessary sustenance for all animals impounded ; to do and perform all legal acts necessary to carry into effect the ordinance of said city and the laws of the State relating to the impounding of animals, and to render a true statement to said common council, at least once in each and every month, of all fees and of all moneys received by him, either for penalties, or for animals or geese sold by him ; and said pound-master shall be allowed such compensation as the common council shall from time to time direct.

§ 2. It shall not be lawful for any cattle, horses, mules, goats, sheep, swine or geese to run at large in said city ; and any person or persons being the owner or owners, possessor or possessors of any such beasts or fowls, who shall suffer them or any of them to go at large within the bounds of said city, shall thereby, in addition to all other penalties, incur a penalty of one dollar for each and every such beast or fowl so suffered to go at large as aforesaid.

§ 3. In addition to any other remedy provided for the recovery of the penalties prescribed by the last preceding section, it shall be lawful for any person or persons, officer or officers, to drive or convey to the pound in said city any beast or fowl of any kind named in said section that may be found going at large in said city, and any person or persons, officer or officers, who shall so impound any such beast or fowl, shall be entitled to the sum of fifty cents for each and every such beast or fowl impounded as aforesaid, which sum the pound-master is hereby authorized to pay to said person or persons, officer or officers, out of the penalties prescribed by the last preceding section ; and the pound-master for his fees shall be entitled to the sum of twenty-five cents for every such beast or fowl he shall receive in the said pound, to be paid as hereinafter prescribed, and it is hereby declared lawful for the pound-master or keeper of said pound, to detain every such beast or fowl in pound until the penalties imposed by the last preceding section of this ordinance are paid, together with the poundmaster's fees for receiving and keeping, and his expenses of keeping the same ; and if the owner or owners, possessor or possessors of any such beast or fowl impounded as aforesaid shall not pay the penalties prescribed by the last preceding section

within two days after such beast or fowl shall be impounded, together with the fees of the keeper or pound-master, and all reasonable charges for keeping and feeding such beast or fowl so impounded, then it shall and may be lawful for such keeper or pound-master to sell at public auction such beast or fowl so impounded after giving at least forty-eight hours notice of such sale by posting a copy of such notice upon the pound and at the two taverns or public houses nearest to such pound and at the two post offices in said city; and the moneys arising from such sale shall be appropriated first to the payment of such penalties as may have been incurred, and the poundmaster's fees and reasonable charges for keeping and selling such beast or fowl, and the balance, if any, shall be paid to the treasurer of said city, to be paid by him to the owner or owners of such animal or fowl, if called for within six months after such sale, otherwise to be appropriated towards defraying the contingent expenses of said city.

§ 4. Any person or persons who shall take or drive any animal from any yard or enclosure (except when such animal is trespassing and doing damage, in which case the provisions of the revised statutes and of the other statutes of this State in such case made and provided, shall exclusively apply) or when such animal is not going at large as aforesaid, or who shall drive such animal from beyond the bounds of said city, for the purpose of impounding the same in the city pound, and shall so impound such animal, shall be liable to the penalty of ten dollars for each and every such offense.

§ 5. It shall not be lawful for any person or persons to break into or open without the consent of the pound-master, any pound erected by, belonging to, or established by the city or common council, or to take an animal or fowl liable to be impounded and actually impounded in such pound out of the same without the consent of the pound-master; or to molest, obstruct, hinder or prevent any pound-master or other person or persons, who may be engaged in taking or driving any animal or fowl liable to be impounded under any law of this State or ordinance of said city, or securing any such animal or fowl for the purpose of impounding the same; or to take, drive, or in any manner force away from the care or custody of the pound-master or any other such person or persons, any such animal or fowl so being driven or taken to any such pound, or so being secured for such purpose, and each and every person violating any of the provisions of this section shall thereby incur a penalty of ten dollars for every violation thereof.

§ 6. It shall not be lawful for any person to pasture or feed or cause to be driven for the purpose of pasturing or feeding upon the grass or herbage growing upon any of the streets, alleys or lawns of said city, any beast or fowl of any kind named in this ordinance, and every person violating this provision shall thereby incur a penalty of two dollars for each and every such offense.

§ 7. This ordinance shall not nor shall any part thereof be construed as repealing any of the ordinances of the directors of the former village of Kingston, relating to the same subject, and the said ordinances as modified by this ordinance, shall, as provided by § 128 of the city charter, be and continue in full force and effect, and shall have full force and effect over the whole city of Kingston.

JAMES G. LINDSLEY, Mayor.

P. FREEMAN HASBROUCK, City Clerk.

FOR THE PREVENTION OF FIRES AND EXPLOSIONS.

AN ORDINANCE for the prevention of Fires and Explosions.

PASSED JULY 15th, 1872.

The Common Council of the City of Kingston do ordain as follows :

SECTION 1. No person or persons shall keep any straw, stalks, hay or rushes, except in close buildings proper for that purpose, which buildings shall be at least twelve feet distant from any chimney, fire-place, furnace, stove or ash bin. Every person violating any of the provisions of this section shall thereby incur a penalty of five dollars for each and every violation thereof. This section shall not apply to any hay or straw stacked upon farming lands within the city limits.

§ 2. No fire-board except of iron, tin or other metal, shall be admitted or used in any fireplace unless the throat of the chimney is securely closed with sheet iron, tin or other metal. Every person violating any of the provisions of this section, shall thereby incur a penalty of three dollars for each and every violation thereof.

§ 3. Stoves shall stand on sheet iron or zinc, which shall be large enough to extend at least two inches outside of the stove all around, and said stoves shall be elevated from said metal at least four inches, or they shall be otherwise well secured to the satisfaction of the fire-wardens. No stove shall stand so that either end or side thereof shall be within one foot of wood. Every person violating any of the provisions of this section, shall thereby incur a penalty of three dollars for each and every violation thereof.

§ 4. No stove pipe shall be placed so as to be within four inches of the wood in passing through the floors, ceiling or sides of any building, unless secured by plastering, or by stone, earthen or metal tubes, in which case there must be an unoccupied space of at least one inch within the plastering or tube between its inner surface and the outer surface of the stove pipe, for the free passage of air. But in all cases where a stove pipe passes through a hollow wall or partition, a stone or earthen or metallic tube must be used. Every person violating any of the provisions of this section shall thereby incur a penalty of five dollars for each and every violation thereof.

§ 5. No ashes shall be taken up or kept in any wooden vessel (except wet ashes in a leach cask), either in a building or yard. Every person violating the provisions of this section shall thereby incur a penalty of two dollars for each and every violation thereof.

§ 6. No furnace shall be used in any house, out house or shed, except upon a brick or stone hearth, or in a yard, unless it stand upon the ground or brick or stone pavement at least four feet from any wooden fence or building or any other combustible substance. Every person violating any of the provisions of this section shall thereby incur a penalty of five dollars for each and every violation thereof.

§ 7. It shall be the special duty of the fire-wardens respectively in their respective wards, in all the cases herein above mentioned, and in all other cases where ovens, chimneys, stoves or pipes are so placed or used as in their opinion to be unsafe with regard to fire, to order such

alterations as in their judgment may seem best. If after the time given by the said fire-wardens for compliance with any of the preceding provisions of this ordinance, or for making any repairs or alterations required in pursuance of this section, their orders remain still unobeyed, the person or persons neglecting or refusing to obey the same, shall, in each case, incur an additional penalty of two dollars for every twenty-four hours the orders so remain unheeded.

§ 8. All fire-places, stoves, stove-pipes, chimneys, smoke-houses, ovens, and places for keeping or depositing ashes or charcoal, shall be so constructed as not to endanger the safety of said city, or any part thereof; and if any person or persons, being the owner or owners, occupant or occupants of any dwelling house, store or other inhabited tenement, whose fire-places, stoves, stove pipes, chimneys, smoke houses, ovens or places of keeping or depositing ashes or charcoal, or any or either of them, are not, or is not, so made or constructed as aforesaid, shall refuse or neglect to alter, repair or build the same, whenever directed so to do by one of the fire-wardens of said city, each and every person so neglecting or refusing as aforesaid, shall thereby incur a penalty of five dollars for each and every such neglect or refusal, and an additional penalty of five dollars for every twenty-four hours such person or persons shall continue to neglect or refuse to obey such direction.

§ 9. The fire-wardens are hereby authorized to enter into or upon any building or premises in said city for the purpose of performing any of their duties.

§ 10. In case the common council shall receive information that the construction of any building, chimney, fire-place, heater, stove, stove pipe, oven, repository of ashes or charcoal, boiler, furnace, or any other apparatus or thing whatever in said city, is dangerous with regard to fire, or that there is upon any premises in said city anything dangerous with regard to fire, it shall be the duty of the common council, by inspection or evidence or both, to investigate and determine the facts, first however giving to the owner or occupant of such premises an opportunity to be heard and to introduce evidence, and serving on him for that purpose a notice of their meeting to make such investigation and determination, which notice shall be served, if personally, at least one day, and if in any other manner, at least five days before such meeting, and shall be served in the manner hereinafter prescribed for the services of copies of resolutions; and if there shall be found upon any such premises anything dangerous with regard to fire, and the common council shall so determine, they shall by resolution require the owner or occupant of said premises to remove the dangerous construction, apparatus or thing, or to put the same in a safe condition (prescribing in any case where they deem it expedient, the manner of doing so) within a time to be specified in such resolution, and shall cause a copy of such resolution to be served as soon as may be upon such owner or occupant in the manner (except as to time and publication) prescribed in section 82 of the city charter for the service of the notice thereby required. In case the said owner or occupant shall neglect or refuse to comply with such resolution, he shall incur a penalty of twenty-five dollars, and an additional penalty of ten dollars for every twenty-four hours such neglect or refusal shall continue. The common council at any time after the expiration of the period specified in such resolution, may cause such dangerous construction,

apparatus or thing to be removed or put in a safe condition, and the expense of doing so shall be added to the penalty or penalties aforesaid, and collected therewith in any suit to be brought therefor, unless the said owner or occupant shall voluntarily pay the same. For the purposes aforesaid, or any or either of them, any alderman or other officer of the city, and any witness subpoenaed or person employed by the common council or under its authority, are hereby authorized to enter into or upon any building or premises in said city.

§ 11. No person shall carry on or exercise within the bounds of the city, without the permission of the common council having been first obtained, any manufacturing of matches or gunpowder. Every person violating this section shall thereby incur a penalty of ten dollars for each and every violation thereof.

§ 12. No chimney in said city shall be fired or burnt out except between sunrise and the hour of one o'clock in the afternoon; nor unless at the time the roof of the house or building to which the chimney is attached or in which the same is erected, shall be sufficiently wet with water or covered with snow, so as not to endanger said city or any part thereof; and if any chimney in said city shall be fired or burnt out by intention, at any other time or under any other circumstances than as above provided, the owner or owners, occupant or occupants of any such house or other building, shall thereby incur a penalty of five dollars.

§ 13. No person shall at any time enter any barn, stables, shed or other place where any hay, straw or other combustible substance shall be stored, with any lighted pipe or cigar, or with any candle, lamp or other light, unless such light shall be safely inclosed in a glass, horn or mica lantern, and be kept so inclosed during all the time such light shall be in such barn, stable, shed or other place where any such substance shall be stored. Every person violating any of the provisions of this section shall thereby incur a penalty of five dollars for each and every offense.

§ 14. It shall not be lawful for any person or persons to make a fire or fires in any street in said city; nor shall it be lawful for any person or persons to make any fire or fires on any private grounds or lots in said city, except between sunrise and the hour of one o'clock in the afternoon, or in any case where it would endanger the surrounding or neighboring buildings or any of them. Every person violating any of the provisions of this section shall thereby incur a penalty of five dollars for each and every offense.

§ 15. No person or person shall have or keep at any place within said city, or in or upon any vessel or float upon the Rondout Creek adjacent to said city, without the permission in writing of the common council, any larger or greater quantity of gunpowder at any one time than twenty-eight pounds, and no person or persons shall have or keep any quantity of gunpowder in said city, or in or upon any vessel or float upon the Rondout Creek adjacent thereto, unless the same shall be kept in tin, brass or copper canisters, not containing over fourteen pounds each, covered and stopped and otherwise made perfectly secure and free from danger, and unless the same, if in a store or building, shall be kept and stored in the highest or upper part of the store or building in which the same shall be so kept or stored, and no person or persons shall deliver any such gunpowder between the setting and the rising of the sun. Any

person violating any provision in this section contained, shall thereby incur a penalty of ten dollars, and a further penalty of twenty-five dollars for every twenty-four hours such gunpowder shall so continue or remain after any member of the common council or any fire-warden shall have directed the removal of the same.

§ 16. The provisions of the last preceding section shall apply to blasting powder if kept or stored in or near any store or dwelling, or if kept or stored in or upon a stationary vessel or float upon the Rondout Creek adjacent to said city.

§ 17. No person or persons shall cart, carry, convey or transport in any manner whatever, upon any of the streets, roads or highways in said city, or upon or through the Rondout Creek adjacent to said city, any quantity of gunpowder or blasting powder, unless the casks or vessels containing the same shall be covered by a good and sufficient canvas, or enclosed in tow cloth, woolen or leather cases or bags, or (if upon the Rondout Creek) otherwise secured in the most approved manner, so as to render the carrying or transporting of the same perfectly secure and free from danger. Each and every person concerned in conveying or transporting any gunpowder or blasting powder, contrary to any of the provisions of this section, and the owner or owners of any gunpowder or blasting powder so conveyed or transported, shall thereby incur a penalty of twenty-five dollars for each and every offense.

§ 18. No person or persons shall keep or store at any place in said city any considerable quantity of kerosene or of any other combustible or explosive substance or compound without the permission in writing of the common council. The common council, before granting such permission, shall in each instance by a committee or otherwise, inspect the place where such kerosene or other combustible or explosive substance or compound is proposed to be kept or stored, and make regulations for the storing and keeping of the same, and also for the use or sale and delivery thereof, which regulations shall be expressed in such permission, and complied with by the person or persons to whom it is granted. All persons keeping, storing, using, selling, conveying or transporting kerosene or any other combustible or explosive substance or compound in said city, or upon or through the Rondout Creek adjacent thereto, shall do so with the utmost care and precaution to prevent fire, accident or explosion. Each and every person violating any provision of this section, shall thereby incur a penalty of twenty-five dollars for each and every such offense.

§ 19. It shall not be lawful for any person or persons to discharge any gun, cannon or pistol, or to explode or set on fire any fire-cracker, torpedo, or any explosive compound, in or in the vicinity of any of the streets of said city, and each and every person offending against any provision of this section, shall be liable to a fine of not less than five, nor more than twenty-five dollars for each and every such offense.

§ 20. No person shall explode any fire-arm, or any fire-cracker, torpedo, or other fire-work against or near any building within the bounds of the city. Each and every person violating this section, shall thereby incur a penalty of ten dollars for each and every such offense.

§ 21. Nothing in this ordinance shall be construed or have the effect to repeal any ordinance of the trustees of the late village of Rondout, or of the directors of the late village of Kingston, but the ordinances of the

said former villages respectively, relating to the subjects or any or either of the subjects of this ordinance, shall as modified thereby, remain and continue in full force and effect over the entire city of Kingston.

§ 22. No provision in this ordinance or in any other, shall be construed to exclude any other provision applicable to the same subject; but the different provisions of this ordinance, (and the provisions, if any, of any other ordinance or ordinances), applicable to the same subject, shall be deemed concurrent and cumulative remedies, and either, any, or all of them may in any case be resorted to and enforced.

JAMES G. LINDSLEY, Mayor.

P. FREEMAN HASBROUCK, City Clerk.

FOR THE PROMOTION OF MANUFACTURES.

AN ORDINANCE for the promotion of Manufactures in the city of Kingston.

PASSED AUGUST 19th, 1872.

The Common Council of the City of Kingston do ordain as follows :

SECTION 1. Each and every manufacturing company or corporation which, after the passage of this ordinance, shall establish itself and carry on its business of manufacturing within the limits of the city of Kingston, with a capital of not less than fifty thousand dollars, shall be exempt from municipal taxation for and during the period of five years.

§ 2. This ordinance shall be deemed and taken to be in the nature of an agreement upon good and sufficient consideration, between said city and each and every such company or corporation.

JAMES G. LINDSLEY, Mayor.

P. FREEMAN HASBROUCK, City Clerk.

STONE AND PLANK ROADS.

AN ORDINANCE relating to Stone and Plank Roads.

PASSED JUNE 20th, 1873.

The Common Council of the City of Kingston do ordain as follows :

SECTION 1. Every plank or stone road, corporation or company, shall keep every street or highway through which its road passes in said city, and the gutter and drains across the same, in good condition and repair.

§ 2. Every such corporation or company shall lay or relay its road according to the established grade of such street or highway.

§ 3. Every such corporation or company shall without unnecessary delay, remove all incumbrances or obstructions which it has placed or caused to be placed upon such street or highway.

§ 4. Every such corporation or company violating any provision of this ordinance shall thereby incur a penalty of fifty dollars for each and every violation thereof.

§ 5. If any such corporation or company shall refuse or neglect to do any of the acts required by the first three sections of this ordinance, the said Common Council may cause the same to be done at the cost and expense of such corporation or company, and such cost and expenses shall be fixed and determined by the said Common Council on a notice of at least five days to such corporation or company of the time and place of such determination, and the said cost and expenses so fixed and determined, shall, with the penalty or penalties incurred, be collected by suit or otherwise from the corporation or company liable therefor.

JAMES G. LINDSLEY, Mayor.

AUG. SCHEPMOES, City Clerk.

RAILROADS.

AN ORDINANCE relating to Railroads.

PASSED JULY 11th, 1873.

The Common Council of the City of Kingston do ordain as follows :

SECTION 1. Every railroad corporation or company shall keep the street or highway through which its road passes in said city, and the gutters and drains thereof, in good condition and repair, and also every and all bridges within said city over or across the track or road of such railroad, corporation or company.

§ 2. Every such corporation or company shall lay or relay such road according to the established grade of such street or highway.

§ 3. Every such corporation or company shall, without unnecessary delay, remove all incumbrances or obstructions which such corporation or company has placed or caused to be placed upon such street or highway.

§ 4. Every such corporation or company violating any provision of either of the first three sections of this ordinance, shall thereby incur a penalty of one hundred dollars for each and every such offense.

§ 5. In case such corporation or company shall refuse or neglect to do any of the acts required by the first three sections of this ordinance, the said Common Council may cause the same to be done at the cost and expense of such corporation or company, and such cost and expense, after the same has been fixed or determined by the said Common Council on a notice of five days to such corporation or company of the time and place of such determination, shall, with the penalty or penalties incurred, be collected by suit or otherwise, from the corporation or company liable for said penalty or penalties, cost and expense.

§ 6. The fourteenth and sixteenth sections of the ordinances of the former village of Kingston, passed by the Directors of the village of Kingston on the third day of June, 1868, shall, as modified by this ordinance and by other ordinances of the city of Kingston, be, remain and continue in full force and effect over the entire city of Kingston.

JAMES G. LINDSLEY, Mayor.

AUG. SCHEPMOES, City Clerk.

GAS AND WATER PIPES.

AN ORDINANCE regulating the laying of Gas or Water Pipes.

PASSED JULY 11th, 1873.

The Common Council of the City of Kingston do ordain as follows :

SECTION 1. Any corporation or company laying any gas or water pipe or pipes in any street or highway in the said city, shall, immediately after doing so, put such street or highway in good condition and repair, and remove all incumbrances or obstructions which such corporation or company may have placed or caused to be placed in any such street or highway, without any unnecessary delay.

§ 2. Any corporation or company laying or preparing to lay any gas or water pipe or pipes in any street or highway in said city, shall, during all the time while doing so, and until full compliance with the first section of this ordinance, keep proper signal lights burning at night at all holes or ditches or other obstructions which such corporation or company may thus have made, dug or placed in, on or across any or either of the streets or highways of said city, and at all other places which such corporation or company may thus have rendered dangerous to persons traveling such streets or highways.

§ 3. Every corporation or company violating any provision of the first two sections of this ordinance, shall thereby incur a penalty of fifty dollars for each and every such offense.

§ 4. In case any such corporation or company shall neglect or refuse to do any of the acts required of it by the first two sections of this ordinance, the said Common Council may cause the same to be done at the cost and expense of such corporation or company, and such cost and expense, with the penalty or penalties incurred, shall be collected by suit or otherwise, from the corporation or company liable for said penalty or penalties, cost or expense.

§ 5. The fifteenth and sixteenth sections of the ordinances of the former village of Kingston, passed by the directors of the village of Kingston on the third day of June, 1868, shall, as modified by this ordinance and by other ordinances of the city of Kingston, be, remain and continue in full force and effect over the entire city of Kingston.

JAMES G. LINDSLEY, Mayor.

AUG. SCHEPMOES, City Clerk.

AUCTION SALES AND HAWKING AND PEDDLING.

AN ORDINANCE to regulate Auction Sales and Hawking and Peddling.

PASSED JULY 25th, 1873.

The Common Council of the City of Kingston do ordain as follows :

SECTION 1. All auction sales are hereby forbidden in said city unless in each case a license in writing for that purpose be first obtained from the Mayor, for which he shall demand and receive, before granting such license, five dollars for each day of sale so allowed, not exceeding three days ; twenty-five dollars for any longer period not exceeding one month ; thirty-five dollars for any longer period not exceeding six months ; and fifty dollars for any longer period not exceeding one year. Every person conducting or aiding in conducting any auction sale in violation of this section, shall thereby incur a penalty of ten dollars for every such offense, and a further penalty of ten dollars for each day or portion of a day such sale is continued. This section shall not apply to sales under legal process or chattel mortgages, or to sales by the head of a family breaking up house-keeping or removing of his or her household goods.

§ 2. Hawking and peddling in the streets of said city are hereby prohibited unless a license for that purpose be first obtained from the Mayor, for which he shall demand and receive before granting such license, a sum not less than one dollar nor more than twenty-five dollars. Such license shall specify the period for which it is granted, which shall not exceed one year from the day of its date. Every person hawking or peddling in violation of this section, shall thereby incur a penalty of ten dollars for each and every such offense. This section shall not apply to farmers or gardeners bringing their own produce to market, or to fish, fruit or vegetable dealers permanently residing in said city.

§ 3. All license moneys received under this ordinance shall be paid into the city treasury.

JAMES G. LINDSLEY, Mayor.

AUG. SCHEPMOES, City Clerk.

NAMES OF STREETS.

AN ORDINANCE relating to the Change of Names of certain Streets.

PASSED APRIL 3d, 1874.

The Common Council of the City of Kingston do ordain as follows :

SECTION 1. The street extending from Albany avenue to Ferry street, and heretofore called Union avenue and Division street, shall hereafter be known and designated as Union avenue.

§ 2. The streets heretofore called Dock street, Lackawanna street, Garden street, and Columbus avenue (said streets unitedly extending

from Derrenbacher's corner of Ravine street to the property of the Delaware & Hudson Canal Company) shall hereafter be known and designated as The Strand.

§ 3. The streets heretofore called Clinton street and Ferry street, and extending from the Rhinebeck and Kingston Ferry dock to the coal yard of the Delaware & Hudson Canal Company, shall hereafter be known and designated as Ferry street.

§ 4. The street extending from Union avenue, at the residence of Mrs. Springsteen, to the steamboat landing at Kingston Point, shall hereafter be known and designated as Delaware avenue.

§ 5. The street intersecting Delaware avenue at the head of Abruyn street and extending to Union street, shall hereafter be known and designated as Yeomans street.

§ 6. The street in Ponckhockie heretofore called Cedar street, and extending from Yeomans street to The Strand, shall hereafter be known and designated as Sycamore street.

§ 7. The street heretofore called East Ravine street, and extending from Delaware avenue to Ann street, shall hereafter be known and designated as Murray street.

§ 8. The street heretofore called Grove street, and extending from Murray street to Delaware avenue, shall hereafter be known and designated as Hanratty street.

§ 9. The streets heretofore called Henry street and Livingston street, and extending from Crane's Dock near the Ferry to the brick yard of John H. Cordts & Co., shall hereafter be known and designated as North street.

§ 10. The street heretofore called Chestnut street, and extending from Gill street to North street, shall hereafter be known and designated as Walnut street.

§ 11. The streets heretofore called Abeel street, Downs street, (in Rondout), and Smith avenue, (in Wilbur), and extending from Union avenue to the south-western bounds of the city, shall hereafter be known and designated as Abeel street.

§ 12. The streets heretofore called Mason street and Hunter street, and extending from Abeel street to Post street, shall hereafter be known and designated as Hunter street.

§ 13. The street heretofore called Pine street, (in Rondout), and extending from Hudson street to Ravine street, shall hereafter be known and designated as Spruce street.

§ 14. The street extending from Fourth street to Hutton street, (in North Rondout), heretofore also called Pine street, shall hereafter be known and designated as Larch street.

§ 15. The streets heretofore called Cross street and Pierpont street, and extending from Hudson street to Hasbrouck avenue, shall hereafter be known and designated as Pierpont street.

§ 16. The streets heretofore called Suydam street and Chestnut street, and extending from Livingston street across the common as far as opened, shall hereafter be known and designated as Chestnut street.

§ 17. The street heretofore called Mill street or Wilbur stone road, and extending from Henry street to Abeel street, shall hereafter be known and designated as Wilbur avenue.

§ 18. The streets heretofore called Old Wilbur road and Wall street,

and extending from North Front street to the Wilbur toll-gate, shall hereafter be known and designated as Wall street.

§ 19. The street in Wilbur heretofore called Bruyn street, and extending from Abeel street to DeWitt street, shall hereafter be known and designated as Bernard street.

§ 20. The street extending from Wilbur avenue to Brook street, shall be known and designated as Chapel street.

§ 21. The street commencing at Wall street at the residence of John Lynch and extending westerly to the bounds of the city, shall hereafter be known and designated as Brook street.

§ 22. The street extending from Abeel street through property of Hamilton, shall be known and designated as Hamilton street.

§ 23. The street commencing at Hamilton street and extending parallel with Abeel street, shall be known and designated as Purvis street.

§ 24. The street in Wiltwyck heretofore called John street, and extending east from Vauxhall avenue, shall hereafter be known and designated as Derrenbacher street.

§ 25. The street heretofore called East Front street, extending from North Front street to Wiltwyck Cemetery, shall hereafter be known and designated as Clinton avenue.

§ 26. The street extending from Flatbush avenue along the rear of the Catholic Cemetery to Gage street, shall be known and designated as Farley street.

§ 27. The streets heretofore called Pearl street and Pearl street avenue, and extending from East Front street westerly as far as laid out, shall hereafter be known and designated as Pearl street.

§ 28. The street formerly laid out and designated as Esther avenue, and since changed to Tremper avenue by the Board of Directors of the village of Kingston, shall hereafter be known and designated as Esther avenue.

JAMES G. LINDSLEY, Mayor.

AUG. SCHEPMOES, City Clerk.

HOUSES OF ILL-FAME.

AN ORDINANCE to restrain and punish Keepers of Houses of Ill-Fame.

PASSED OCTOBER 29, 1875.

The Common Council of the City of Kingston do ordain as follows :

SECTION 1. No person or persons shall keep or maintain or set up within the bounds of said city any disorderly house, or house of assignation, brothel, bawdy house, or house of debauchery, or house of ill-fame ; nor shall any person or persons, within said city, entertain lewd men or women for the purpose of prostitution, or procure or aid in procuring lewd men or women for that purpose.

§ 2. Every person violating this ordinance or any provision thereof, shall thereby for each violation incur a penalty of not less than twenty-

five dollars nor more than one hundred dollars, in the discretion within those limits of the Court before which the prosecution for such penalty shall be had.

§ 3. This ordinance shall not nor shall any part thereof be construed or regarded as repealing the ordinance of the Directors of the former Village of Kingston relating to the same subject ; and the said ordinance as modified by this ordinance shall, as provided by section one hundred and twenty-eight of the charter of said city, be and continue in full force and effect, and shall have full force and effect over the whole City of Kingston.

JAMES G. LINDSLEY, Mayor.

AUG. SCHEPMOES, City Clerk.

LICENSES FOR CIRCUSES, SHOWS, &C.

AN ORDINANCE to regulate by License the exhibitions of Circuses and other Shows or Entertainments.

PASSED NOVEMBER 19th, 1875.

The Common Council of the City of Kingston do ordain as follows :

SECTION 1. No exhibition for pay of any circus, caravan or menagerie, theatre, curiosities, tricks of legerdemain, or other shows or entertainments hereinafter mentioned, shall be permitted in said city, unless the person or persons intending to make such exhibition, or the proprietor or proprietors, lessee or lessees (or his or their agent or agents) of the hall or room in which such exhibition is intended to be had or given, shall first obtain a permit in writing from the mayor for each separate exhibition or performance ; for which permit the following sums respectively shall be paid for each separate exhibition or performance, viz:

Circuses—each day's performance, from.....	\$30 to \$100
Caravans or menageries—each day's performance.....	25
Side shows accompanying either of the above—each.....	5
Negro Minstrels—each day's performance.....	5
Panoramas—each day.....	5
Concerts	3
Necromancy or Slight of Hand performances.....	5
Exhibitions of Natural or Artificial Curiosities.....	3
Theatres or Variety Shows, Exhibitions, Performances or Entertainments—each day.....	5
Gift Entertainments—each day.....	25
Exhibitions of Spiritualism.....	25

All moneys received for such permits shall be paid to the City Treasurer and added to the General Fund, and each and every person violating this ordinance shall incur a penalty of one hundred dollars for each and every violation thereof.

§ 2. The proprietor or proprietors, lessee or lessees (or his or their agent or agents in charge) of any hall or room in which any exhibition,

show or entertainment mentioned in this ordinance shall be had or given, who shall suffer the same to be had or given therein without first having or seeing the permit therefor required by this ordinance, shall be liable to said city for the sum required by this ordinance to be paid for such permit, and the said city shall be entitled to recover the same with costs from said proprietor or proprietors, lessee or lessees.

§ 3. This ordinance shall not apply to entertainments given in aid of any religious or charitable institution or society located in said city.

JAMES G. LINDSLEY, Mayor.

AUG. SCHEPMOES, City Clerk.

ASSEMBLAGE OF IDLE PERSONS IN THE STREETS.

AN ORDINANCE to prohibit unlawful and noisy assemblages of Disorderly or Idle Persons upon the Sidewalks or street corners in the City of Kingston.

PASSED FEBRUARY 4, 1876.

The Common Council of the City of Kingston do ordain as follows :

SECTION 1. The assemblage of disorderly, noisy or idle persons in groups upon any of the sidewalks or street corners of said city is hereby declared a misdemeanor, and is by this ordinance prohibited.

§ 2. It shall be the duty of the constables, policemen and special policemen of said city to enforce the provisions of this ordinance, and upon complaint or otherwise arrest all persons guilty of a violation thereof, and bring them before the Recorder of said city to be dealt with according to law.

JAMES G. LINDSLEY, Mayor.

AUG. SCHEPMOES, City Clerk.

OBSTRUCTION OF SIDEWALKS.

AN ORDINANCE to prevent the obstruction of Sidewalks in the City of Kingston, by animals or vehicles.

PASSED FEBRUARY 4, 1876.

The Common Council of the City of Kingston do ordain as follows :

SECTION 1. No person or persons shall ride, drive or lead any horse, mule, cow or any other animal upon any of the sidewalks of said city except to cross the same to enter a yard or lot ; nor shall any person tie or hitch any horse, mule or other animal in such a manner as to obstruct any of the sidewalks in said city.

§ 2. No person or persons shall drive, back or in any manner place any cart, wagon, sleigh or any other vehicle upon any of the sidewalks

of said city except to cross the same for the purpose of entering a yard or lot or for the purpose of loading or unloading such cart, wagon, sleigh or other vehicle.

§ 3. Any person violating this ordinance or any provision thereof, shall for such violation incur a penalty of five dollars for each and every offense.

JAMES G. LINDSLEY, Mayor.

AUG. SCHEPMOES, City Clerk.

CEMETERIES AND BURIAL GROUNDS.

AN ORDINANCE to prohibit the burial of the dead within the City of Kingston, except in certain specified Cemeteries and Burial Grounds.

PASSED AUGUST 4, 1876.

The Common Council of the City of Kingston do ordain as follows:

SECTION 1. The burial of human remains within the limits of the city of Kingston, except in Wiltwyck, Montrepose, St. Mary's and St. Peter's cemeteries, and the cemetery connected with the Church of the Comforter, and the colored burial ground between Wall street and Wilbur avenue, and the burial ground connected with the City Alms House, is hereby prohibited.

§ 2. Every sexton, undertaker or other person who shall bury or assist in burying or cause to be buried the remains of any deceased person within the limits of the city of Kingston, except in the cemeteries or burial grounds specified in the first section of this ordinance, shall thereby incur a penalty of twenty-five dollars for every such offense.

§ 3. Every person who shall cause the remains of any deceased person to be buried within the city of Kingston in violation of any provision of this ordinance shall cause said remains to be disinterred and removed beyond the bounds of the city or removed to or buried in one of the cemeteries or burial grounds specified in the first section of this ordinance, and shall incur a penalty of one dollar for each day's delay so to do after being notified so to do, and such disinterment and removal shall be under the direction of the health officer or health superintendent. In case of any violation of or neglect to comply with this section such disinterment, removal and re-burial may be made and done by the health officer or health superintendent, and the expenses thereof shall be added to said penalty as a part thereof.

JAMES G. LINDSLEY, Mayor.

AUG. SCHEPMOES, City Clerk.

FIRE DEPARTMENT.

AN ORDINANCE to amend an ordinance entitled "An Ordinance in

relation to the Fire Department of the City of Kingston. Adopted December 23, 1873.

PASSED APRIL 13, 1877.

The Common Council of the City of Kingston do ordain as follows:

SECTION 1. The city of Kingston shall be divided into two fire department districts—the 3d, 4th, 5th, 6th and 7th Wards to comprise the Eastern Fire District, and the 1st, 2d, 8th and 9th Wards to comprise the Western Fire District:

CHIEF ENGINEER AND ASSISTANTS.

SECTION 1. Each of said departments shall consist of a Chief Engineer, two Assistant Engineers, and as many engines, hose and hook and ladder companies as the common council shall from time to time establish. The number of men appointed to each steam engine and hand engine company shall not exceed fifty (50); to each hose company thirty (30); unless each hose company shall run 1,000 feet of hose, or more, or more than one apparatus, or run a tender carrying both hose and coal for a steamer, in which case each company shall be entitled to sixty (60) members; and to each hook and ladder company fifty (50). In addition to the number of members allotted to the several steam engine companies, each of said steamers shall be entitled to an engineer and fireman, to be appointed by the common council on the recommendation of the Chief Engineer, for such time and at such compensation as the common council shall prescribe.

§ 2. An election shall be held on the fourth Tuesday of March in each and every year, between the hours of 2 and 8 o'clock in the afternoon for the election of a chief engineer, two assistant engineers, treasurer and secretary of each fire department, who shall respectively hold their offices for one year, and until their successors are elected and confirmed. The city clerk shall give at least eight days previous notice of such election by publishing the same in one or more of the newspapers printed in said city. At such election the chief engineer and foreman of the several companies shall preside and act as inspectors of election, and a majority of such inspectors shall constitute a quorum. Such inspectors shall make return to the common council of said city at their first regular meeting thereafter. It shall be the duty of the foreman of the several companies annually, before the first day of March, to make a report in writing to the chief engineers, wherein they shall set forth a list of all the active members of their respective companies in good standing. From this list the chief engineers shall make up a list to be used as a poll list for said annual election. A copy of such list shall, before the second Tuesday of March annually, be furnished by said chief engineers to the several companies under their charge. Any person entitled to have his name on said list, but whose name may have been inadvertently or improperly omitted from the same, may have his name placed thereon by making application to the common council on or before the twentieth day of March, of such year. Such list so prepared by the chief engineers and corrected by the common council shall be the poll list for the

annual election of officers of the fire departments aforesaid, and no person whose name does not appear on said list shall be permitted to vote at such election. In case any one or more of the officers chosen at such election shall, for cause, fail to be confirmed by the common council, it shall be the duty of said common council to order a new election, and at such new election the person or persons, thus rejected, shall be ineligible, and all votes given for such person shall be void and not counted.

§ 3. It shall be the duty of the foreman of the several engine, hose, hook and ladder companies to make an annual report in writing to the chief engineer on or before the first day of March, wherein they shall set forth a list of all the members of their respective companies, honorary and active, the number of members added to the company during the preceding year, the number who have left the company by death, resignation or otherwise, the standing of the active members on the books of the company in respect to the payment of dues and fines and the possession of a fireman's dress and an abstract and condition of all the property of the city entrusted to their care. Such report shall also specify the residence of all members; their occupation; the date of their membership; the mode of their becoming members, whether by transfer or joining as new members; and how such membership terminated. No person shall be recognized by the engineer as a fireman whose name does not appear on such record.

§ 4. It shall be the duty of the several engineers to wear a leather cap, painted white with a gilded frontpiece, with the title of their respective offices thereon, and also to carry with them a speaking trumpet, and at night a lantern appropriately lettered.

§ 5. The chief engineers shall, in all cases of fire, have the sole and absolute control and command over all the engines and other persons connected with the fire department. It shall be their duty to direct the other engineers to take proper measures to arrange the engines and other apparatus in the most advantageous manner, and cause the same to be duly worked for the effectual extinguishment of fires; and it shall be the further duty of said engineer once in each and every year and as often as the mayor and common council shall direct, to examine all the apparatus for the extinguishment of fires and report the result of such examination. It shall also be the duty of said engineers to call out the several companies under their command for inspection as often as required by the common council.

§ 6. In case of the absence of the chief engineers at fires or alarms of fires, the engineers next in rank who may be present shall, during such absence, have and exercise all the power and authority of the chief engineers, and shall perform the duties of their offices; and when all the engineers are absent the mayor or alderman of the ward in which the fire may be raging, as ex-officio engineers, shall perform all the duties. The officer in command of the company which first arrives at a fire, shall be the officer in command until one of the aforesaid officers be present.

§ 7. Whenever a fire occurs in either of the fire districts, for the control of which in the opinion of the engineer in charge of that district it will require the assistance of the whole or any part of the fire department of the other district, he shall at once cause the chief or one of the assistant engineers of such adjoining district to be notified of the aid needed, and

it shall be the duty of the officer receiving such notice forthwith to sound an alarm in his district, and send such of the companies and apparatus as may be needed at the fire, the same to be designated by such officer, and it shall be the duty of such companies to proceed forthwith upon receiving such order, and subject themselves at the fire to the lawful orders and directions of the engineers of the district in which the fire occurs.

§ 8. It shall be the duty of the chief engineers to keep or cause to be kept, fair and exact rolls of the respective companies, specifying the name, badge, number, occupation, residence, admission and discharge of each member of the department in books to be kept for such purpose.

§ 11. The chief engineers shall have power to immediately suspend any officer or member of the fire department while they shall be on duty at fires or otherwise within their district, for disobedience of orders, incapacity, intoxication, disorderly conduct, insubordination or neglect of duty; but in case he shall thus suspend any officer or member, he shall report the facts in writing to the mayor forthwith, who shall lay the same before the common council at their next regular meeting, and they shall thereupon at such meeting or at such other time as they may appoint, proceed to hear and determine the matter, and shall either restore such officer or member, or expel, suspend or reprimand him. Any officer or member so suspended or expelled may be reinstated only by the common council.

COMPANY OFFICERS.

SECTION 1. Each company now organized, or to be hereafter organized, shall be under the command of a foreman, and first and second assistant foreman, who, together with such other officers as the respective companies may prescribe in their several by-laws, including their representative, shall be elected annually at such times as the by-laws of the several companies shall prescribe.

§ 2. It shall be the duty of the foreman of the company to preserve order at all times, and require and enforce a compliance with the ordinances or orders, and the rules and regulations of the department and the orders of the engineer. He shall also see that the apparatus committed to his care is kept in order and ready for immediate use, and the buildings in which the same are deposited are kept clean, and in case of any damage in or about such building or to such apparatus, to report the same forthwith to the chief engineer.

§ 3. He shall keep or cause to be kept, fair and exact rolls of the company under his charge, and such other records as hereinbefore provided.

§ 4. In the absence of the foreman, the officer of the company next in command present shall perform all the duties required of the foreman, and shall be obeyed in like manner by the members under like penalties.

§ 5. It shall be the duty of the officers and members of the several companies at an alarm of fire to repair to their respective houses and convey their apparatus to the place of conflagration in as speedy a manner as possible, under the direction of the officer in charge. After arriving at or near the fire, such officer shall report to the engineer present, whose duty it shall be to assign said company a position, with such

instruction as he shall deem proper for the effectual extinguishment of such fire.

MEMBERSHIP.

SECTION 1. The several fire companies shall respectively nominate their own officers and members, and shall immediately upon such nomination report the same to the chief engineer of their respective districts for approval; and in case such nominations shall be confirmed by the common council the mayor shall issue to such officer or member a certificate of appointment, under the corporate seal of the city which certificate shall entitle such officer or member to all the immunities and privileges of a fireman, subject to these ordinances and the by-laws of the company of which he shall be a member.

§ 2. Every person admitted into the department shall also immediately furnish himself with a fireman's uniform in conformity with that worn by the company to which he shall belong, and shall be and remain a member of the company named in his application, until he shall be transferred to another company, or discharged or expelled; and no member shall be so transferred except by the consent of the company in which he is enrolled, and the common council.

§ 3. No person under the age of eighteen years shall be granted a certificate of appointment in any of the companies of the department.

§ 4. Any officer or member of the fire department who shall remove from the city permanently, shall be reported to the chief engineer, and by him to the common council, when his name shall be stricken from the roll.

§ 5. Every member who has served for five years in the fire department, shall be entitled to a discharge certificate, under the corporate seal, signed by the mayor, clerk of the common council and the chief engineer.

§ 6. Any member of the fire department or other person who shall intentionally raise a false alarm of fire, or set fire to any material for such purpose, or who shall wantonly or maliciously injure any property belonging to or provided for the department, shall be punished by a fine not exceeding \$25, to be sued for and recovered by the city for its use.

§ 7. The chief engineer, with the consent of the common council, may grant permits in writing, for any company to go on excursions for such length of time as they may direct; and no company shall go beyond the city limits in case of fire, except by the orders of the engineer in charge.

§ 8. The houses occupied by the several companies shall be for the use of the members only; and no cards, dice, or other devices used for gambling, shall be brought into or suffered to remain in any building used by any company in the department, nor shall spirituous liquors be used therein. The foreman and assistant foreman shall be held strictly accountable for any violation of this section.

§ 9. The penalties mentioned herein may be sued for by the common council, and when received be paid to the city treasurer.

JAMES G. LINDSLEY, Mayor.

AUG. SCHEPMOES, City Clerk.

PROHIBIT BATHING IN PUBLIC WATERS.

AN ORDINANCE to prohibit or regulate Bathing in the public waters within the city of Kingston.

PASSED July 6, 1877.

The Common Council of the City of Kingston do ordain as follows :

SECTION 1. No person or persons shall bathe, in a nude state, in any pond or stream of water within the limits of the city of Kingston, within sight of any public street, highway or thoroughfare, or of any dwelling house or occupied building during the daytime, or at any other time in which their persons would be exposed to view, under a penalty of five dollars for each and every offense.

§ 2. It shall be the duty of the constables or policemen to enforce the provisions of this ordinance, and on complaint or otherwise to arrest the person or persons violating the provisions of the foregoing section and take them before the Recorder or acting Recorder to be dealt with according to law.

JAMES G. LINDSLEY, Mayor.

AUG. SCHEPMOES, City Clerk.

SNOW AND ICE ON SIDE WALKS.

AN ORDINANCE for keeping the Sidewalks and Gutters within the City of Kingston free from Snow and Ice.

PASSED FEBRUARY 9, 1877.

The Common Council of the City of Kingston do ordain as follows :

SECTION 1. The owner or owners, occupant or occupants of each and every house or lot of land, and agent of any non-resident lot or unoccupied house, and every person having charge of any church or other public building, situate on any street in said city, shall at all times during the season of frost keep the sidewalks and gutters in front of their respective houses and lots free from snow and ice whenever the same can be so kept free, and to the extent that the same can be so kept free, and whenever the said gutters and sidewalks cannot be kept free from snow and ice as aforesaid by reason of the intensity of the frost, it shall be the duty of the said owner, occupant, agent or person in charge as aforesaid to keep the said sidewalks opposite to their respective houses and lots strewn with ashes, sand or other materials in such a manner as to enable persons to walk thereon with safety, under the penalty of three dollars for every neglect to keep such walks and gutters free from snow and ice, or to strew said sidewalks with ashes, sand or other materials as aforesaid, and the further penalty of one dollar for every twenty-four hours that the said snow or ice shall remain upon the sidewalks or in the gutters of said streets, or shall remain unstrewn with ashes, sand or other materials as aforesaid. The provisions of this ordinance shall apply only to sidewalks of such streets in said city as have been curbed and guttered.

§ 2. It shall be the duty of the Superintendent of streets, sewers and city property to see that this ordinance is properly enforced and to make the complaints to the city officers hereinafter mentioned, against any person or persons violating any of the provisions of said ordinance. It shall be the duty of the said Superintendent of streets, sewers and city property, on or before the 15th day of November in each year, to cause copies of this ordinance to be posted in several public and conspicuous places in each street affected by this ordinance.

§ 3. It shall be the duty of the Corporation Counsel, or (in case of his absence or inability to act) of the Mayor or City Clerk to bring suit before any court having jurisdiction for the collection of the penalties specified in the first section of this ordinance, upon the proper complaint being made by the Superintendent of streets as hereinbefore mentioned.

JAMES G. LINDSLEY, Mayor.

AUG. SCHEPMOES, City Clerk.

ORDERS AND REGULATIONS

OF THE

BOARD OF HEALTH.

PURSUANT to the Charter of the City of Kingston and to an act of the Legislature of the State of New York, entitled "An Act for the Preservation of the Public Health," passed April 10th, 1859, and the acts amending the same, the Board of Health of the City of Kingston do hereby make the following Orders and Regulations to be of general obligation within the limits of said City :

SECTION 1. It shall be unlawful for any conductor on any railroad, or any stage driver or other person or persons who may transport passengers, or for any captain, commander, master or conductor of any steamboat or any other water craft, to bring within the limits of the city of Kingston, or to land or permit to be landed within said limits, any person or persons afflicted with the cholera, varioloid, small-pox, typhus, ship or yellow fever, or any contagious, malignant or infectious disease, or who has or have been recently and dangerously exposed thereto, or to bring, land or permit to be landed within said limits any clothes, goods or articles likely to communicate any such disease, without having first obtained the written permission of the health officer so to do ; and each and every act or thing herein declared to be unlawful is hereby prohibited.

§ 2. Every such conductor, stage driver or other person, and every such captain, commander, master or conductor on arriving at or near the limits of said city, with the train, car, stage coach or other vehicle, or with the steamboat or other water craft, in his charge or under his command, and every corporation or person or persons owning, hiring or chartering the same for the time then being, shall immediately give notice to the health officer of each and every case of such disease or of recent and dangerous exposure thereto, which may then be, or may have recently been in or upon such train, car, stage coach or other vehicle, or in or upon such steamboat or other water craft, and of the fact of there then being or having recently been in or upon the same any clothes, goods or articles likely to communicate any such disease, and, in case of any vessel, of the fact of its having in any manner been so exposed as to be liable to convey or communicate the contagion or infection of any such disease.

§ 3. On receiving such notice or any knowledge or information of any case contemplated by either of the preceding sections, it shall be the duty of the health officer with the utmost practicable dispatch to satisfy himself of the facts, give the appropriate orders or directions and take and enforce the appropriate action contemplated by this section.

Every such conductor, stage driver or other person, and every such captain, commander, master or conductor, and every such corporation, person or persons owning, hiring or chartering any train, car, stage coach or other vehicle or any steamboat or other water craft in or upon which

there shall recently have been any such case of any disease or exposure thereto, or any such clothes, goods or articles, or which has been so exposed as aforesaid, shall immediately on being required by the health officer so to do, or at the time designated by him for that purpose, thoroughly cleanse, purify and disinfect the said train, car, stage coach or other vehicle or steamboat or other water craft, as the case may be, under and pursuant to the directions of the health officer, or of the officer or person deputed by him to superintend the process of disinfection.

On the like order of the health officer, such clothes, goods or articles shall, by the owner or person having charge thereof, be in like manner cleansed, purified and disinfected—or shall be destroyed if in the judgment of the health officer they cannot be so disinfected as to be afterwards used without danger of infection or contagion.

Such steamboat, vessel or other water craft shall be anchored and kept at anchor for such time as the health officer shall deem necessary for the public safety in such place in the waters within the city limits as he shall direct, and there shall be no going to or from the same, except by the person or persons and at the times and in the manner permitted by the health officer. The process of cleansing, purification and disinfection shall be repeated at the times and in the manner required by the health officer.

In all cases where the circumstances require it, the patient afflicted with such disease, or person who has been dangerously exposed thereto, shall be removed to the hospital provided or to be provided by the board of health or common council, and shall not depart therefrom until discharged by the health officer.

§ 4. Every physician practicing in said city (in addition to the report in writing to the clerk of the board of health required by section fifty-seven of the city charter) shall report in writing to the health officer any and every case of cholera, varioloid, small-pox, typhus, ship or yellow fever, or of any contagious, malignant or infectious disease, or of recent and dangerous exposure thereto, which shall come under his treatment or observation in said city, immediately after the same shall have become known to him.

§ 5. On receiving such report or any knowledge or information of any case contemplated by the last preceding section, it shall be the duty of the health officer, with the utmost practicable dispatch, to satisfy himself of the fact and give the appropriate orders and directions, and take and enforce the appropriate action contemplated by this section.

Every owner, lessee or occupant of any room or rooms, apartment or apartments, house, tenement or other building, in which there shall be or shall recently have been any case of any disease named or mentioned in said fourth section or of recent and dangerous exposure thereto, shall immediately on being required by the health officer so to do, or at the time designated by him for that purpose, thoroughly cleanse, purify and disinfect the same under and pursuant to the directions of the health officer, or of the officer or person deputed by him to superintend the process of disinfection.

In every such case, if the patient be not removed to the hospital, suitable warning of the disease and its locality shall be given by an appropriate sign or otherwise, and, unless by permission of the health officer, there shall be no communication with the patient except by his or her

physician, nurse and immediate attendant or attendants, and there shall be no going to or from the room or house in which the patient may be, except at the times and in the manner and by the person directed or permitted by the health officer, and, in cases where he shall deem it requisite, the health officer shall station such officers, watchman or other persons as may be necessary to enforce this provision. In every case of contagious disease, where the patient, or family has no family physician, and are unable to procure medical attendance, it shall be the duty of the health officer to report without delay such case to the Superintendent of the Alms House, whose duty it shall be to furnish proper medical attendance.

All such rooms or houses shall be properly ventilated according to the directions of the health officer, and the process of cleansing, purification and disinfection shall be repeated at the times and in the manner required by him.

The patient on consenting thereto may be removed to the hospital whenever the health officer deems it advisable; and, in those cases so situated that the health officer deems the means aforesaid insufficient to prevent the disease from spreading, and the public safety requires and condition of the patient will permit his or her removal to the hospital, the patient, whether consenting or not, shall not depart therefrom until discharged by the health officer.

Any person removed to the hospital may, subject to the regulations which may be made for the government and management thereof, employ and provide his or her own physician and nurse or attendants, and his or her own medicines and sustenance, or his or her relatives or friends may do so; but in the event of any failure by him, her or them to do so, the patient shall be provided with all necessary medical attendance, nursing, medicines and sustenance.

All infected bedding and clothing, whether in an house, or vessel, or in the hospital, or in any other place in said city, shall be destroyed before any patient is discharged or case released from quarantine.

§ 6. At such times as the board of health, or the health officer may direct, the health superintendent shall make tours of inspection and shall report to the clerk of said board and to the health officer, all cases of nuisances and all violations of these orders and regulations and of any or either of them.

§ 7. Any corporation, person or persons, causing or maintaining any nuisance, shall suppress, remove or abate the same immediately on being required by the health officer so to do, or within the time allowed by him for that purpose, and in the manner directed by him.

§ 8. Every owner or occupant of premises shall remove or cause to be removed therefrom, any and all nuisances, within the time and in the manner directed by the health officer; and shall in said time and manner, cleanse and purify with disinfectants approved by him, all slaughter-houses, hog-pens, stables, hen-houses or barnyards, and all sewers, drains, culverts, sinks and canals or other channels for drainage on said premises.

§ 9. No person or persons shall be allowed to retain on his, her or their premises any goods or articles infected with any malignant, contagious or infectious disease, but the same shall be removed and disinfected or destroyed as the health officer shall direct.

§ 10. Any green hides, bones, putrifying animal matter and any noxious or noisome animal or vegetable matter, upon any premises, shall be removed therefrom by the owner or occupant immediately on the order of the health officer, or within the time allowed by him for that purpose, and in the manner he may direct.

§ 11. Every owner or occupant of any house, tenement or other building, shall disinfect the vault of the privy belonging to the same, at least once in each week, and as often in addition and in such manner as may be required by the health officer, and shall cover with clean earth or shall remove the contents of said vault at the time and in the manner directed by him. Such removal shall only be made in the night time.

§ 12. No person or persons shall throw any garbage, or animal or vegetable matter or filth of any kind on any street of said city, or into any stream of water or pond therein.

§ 13. The owner or owners, occupant or occupants respectively of every lot, tenement or building in said city shall clean the street in front of his, her or their lot, tenement or building at least once a week before nine o'clock in the morning, on the day designated for each street respectively by the health officer, health superintendent or superintendent of streets, sewers and city property.

§ 14. No person or persons shall kill, butcher or slaughter any cattle, sheep, swine or calves, or keep or maintain a slaughter-house at any place within the bounds of the city, unless by and with the written consent of the board of health, and subject to such regulations and restrictions as the said board may prescribe.

§ 15. Any and every person keeping a fish or meat market in said city shall thoroughly cleanse the same at least once in every twenty-four hours; and shall freely use such disinfectant in such manner and as often as the health officer shall direct.

§ 16. No person shall sell or expose for sale within said city the flesh of any calf butchered when under three weeks old, or any other unwholesome meat; or sell or expose for sale or bring within said city any calf less than three weeks old, for the purpose of butchering, or bring the flesh of any such calf within the city.

§ 17. No swine shall be kept within the city, either within any inclosure or running at large, except by special permit from the board of health.

§ 18. All persons occupying any premises are required to give admittance to the board of health or any member or members thereof, the health officer, the health superintendent or any person employed by said board or health officer, when seeking to inspect or enter the same for the purpose of carrying any of these orders and regulations into effect.

§ 19. No owner, lessee or occupant of any lot, building, tenement house or part thereof, in said city, shall allow the contents of any privy, cess-pool or sink to run off into any yard, street or place in said city.

§ 20. Every owner, lessee or occupant of any vacant lot or other premises in said city, which from lack of drainage, or from imperfect drains, pipes, sewers, vaults or cellars, shall be deemed a nuisance, prejudicial to the public health of said city, by the board of health or the health officer, shall fill in the same or shall construct, repair, or otherwise alter such drains, sewers, pipes, vaults or cellars thereon as the said board may direct and at such time and in such manner and of such size and material as the board may direct and specify.

§ 21. The keeper or keepers of every hotel, boarding house or lodging house, shall, within six hours after the fact shall come to his, her or their knowledge, notify the health officer and the clerk of the board of health, in writing, of the fact of any seafaring man, or person lately from any vessel, being taken sick at such hotel or house, and shall in such notice state where such person may be found, and from what vessel and when he came, to the best of the knowledge of the person giving such notice.

§ 22. No meat, fish, birds, fowls or vegetables, nor any milk, not being healthy, fresh, sound, wholesome and safe for human food, shall be brought into said city, or offered or held for sale in any public or private market, as such food, anywhere in said city.

§ 23. The remains of no person interred in any cemetery or burying ground in said city shall be uncovered or removed therefrom unless by the special permission of said board of health, expressed in a resolution regulating the time, manner and circumstances of such removal.

§ 24. It shall be the duty of the health superintendent to observe the directions of the board of health and of the health officer. The action of the health officer shall be subject to direction and revision by the board of health; but in all cases under these orders and regulations not requiring consultation with the board of health and in which said board does not require such consultation, the health officer as its chief executive officer, shall without any unnecessary delay give all such orders and directions and take and enforce such action as these orders and regulations contemplate and as the circumstances may require.

All persons are forbidden to disobey the lawful orders of the health officer, and in case of any disobedience thereof or want of prompt compliance therewith, he may execute the same by the aid or instrumentality of any officer or person appointed or employed by the board of health, or, in case of emergency, of any person or persons whom he may employ.

§ 25. All complaints of the violation of these orders and regulations must be made in writing, either to the Health Officer, Superintendent of Health, or some member of the Board of Health, and must describe the location and nature of the same.

Any person wilfully violating or refusing to obey any of the above orders or regulations will suffer the penalty prescribed by the statute in such case made and provided, which reads as follows: Any person who shall wilfully violate or refuse to obey any order or regulation so made and published as aforesaid shall be deemed guilty of a misdemeanor, and on conviction thereof shall be subject to fine or imprisonment, or both, in the discretion of the court; such fine not to exceed one thousand dollars, and such imprisonment two years.

JAMES G. LINDSLEY, Mayor.

AUG. SCHEPMOES, City Clerk.

INDEX TO CITY CHARTER.

ALDERMEN—Term of Office.....	12
“ Duties of.....	32
“ Fence Viewers.....	34
ASSESSORS—Term of Office.....	13
“ Compensation of.....	13
“ Duties of.....	34
“ Duties as to Special Assessments.....	34
“ “ “ “.....	71
“ Not to act when interested parties.....	73
“ Compensation, making Special Assessments,.....	73
ASSESSMENT ROLL—When to be completed.....	35
“ Common Council, power to correct.....	35
ASSESSMENTS—For opening new Streets, how made,.....	67
“ When lien on real estate.....	61
“ For Street Improvements, how made,.....	71
“ Special, how collected,.....	74
“ For Sidewalks, how made,.....	76
ALMS COMMISSIONERS—How appointed.....	43
“ “ Term of Office.....	46
“ “ To enforce Excise laws.....	49
“ “ When to make report.....	50
“ “ To make estimate of money needed.....	50
“ “ Appropriation increased.....	54
“ “ Not be interested in furnish’g supplies.....	51
BOARD OF HEALTH—How Constituted.....	44
“ “ Rules and Regulations of.....	119
CONSTABLES—Term of Office.....	13
“ Bond to be given.....	15
“ Powers and Duties.....	43
COMMON COUNCIL—How Constituted.....	17

“	“	When to hold Meetings.....	17
“	“	Power to summon Witnesses.....	18
“	“	Corporate Powers in Suits.....	26
“	“	Power to correct Assessment Roll.....	35
“	“	Power to borrow Money.....	65
“	“	As Commissioners of Highways.....	65
“	“	Power to lay out Streets.....	66
“	“	Powers as to Sidewalks.....	74
“	“	To make Sidewalk Assessments.....	76
“	“	To cause Sidewalks to be relaid.....	77
“	“	To establish Grades.....	77
“	“	Power to establish Lockup.....	88
“	“	Power to renew Tax Warrant.....	94
CITY CLERK—How Chosen.....			7
“	Duties of.....		35
“	Salary of.....		37
ELECTORS—Qualifications of.....			8
ELECTIONS—When held.....			8
“	Laws applying to.....		8
“	Districts, how constituted,.....		8
“	Notice of, how given,.....		9
“	Polls, when to open and close,.....		9
“	Certificates of, to be filed.....		11
EXCISE COMMISSIONERS—Relating to.....			45
FENCE VIEWERS—Who to exercise Powers of.....			34
FIRE WARDENS—How appointed.....			43
“	Duties of.....		98
“	Duties of.....		101
FIRE DEPARTMENT—Relating to.....			77
“	“	Organization of.....	78
“	“	Members, how appointed.....	78
“	“	Chief Engineer, Duties of.....	79
“	“	Assistant Engineer, Duties of.....	80
“	“	Penalty for Misconduct.....	81
“	“	Exemption of Members.....	81
JURORS—Return of, how made,.....			33
JUSTICES OF THE PEACE—Term of Office.....			13
“	“	“ Powers of.....	42
MONEYS—How drawn from Treasury.....			56
“	How borrowed.....		56

MAYOR—Term of Office.....	12
“ Duties of.....	29
“ Has casting Vote.....	17
“ Veto Power.....	30
“ Power to suppress Disorderly Houses.....	31
“ Power to issue Order of Arrest.....	31
“ To appoint Special Policemen.....	44
“ Power at Fires.....	81
OFFICERS—Who and how chosen.....	7
“ To take Oath of Office.....	7
“ Clerk to Notify after Election.....	11
“ Penalties for Refusal to Serve.....	12
“ Terms of.....	13
“ Power of Removal.....	14
“ Vacancies, how filled.....	14
“ Qualification of.....	14
“ To file Bond when required.....	14
“ To deliver Papers to Successors.....	16
OFFICIAL NEWSPAPERS—How selected.....	28
POUND MASTER—Duties of.....	43
POLICEMEN—Duties of.....	43
“ Special, how appointed.....	44
POLICE DEPARTMENT—Relating to.....	82
RECORDER—Term of Office.....	12
“ Salary of.....	13
“ Powers and Duties of.....	38
“ Jurisdiction.....	39
“ Power to Sentence.....	39
“ Need not Examine in Misdemeanors.....	39
“ Who to Act when Absent.....	40
“ To collect Costs when Trial waived.....	42
“ To present Bills to Supervisors.....	42
STREETS AND HIGHWAYS—Commissioners of.....	65
“ “ “ Maps of.....	66
“ “ “ Proceedings to lay out.....	66
“ “ “ How to be Repaired.....	71
“ “ “ Grade how Changed.....	74
SIDEWALKS—Relating to.....	74
“ Assessment for, how made,.....	76
“ How to be Relaid.....	77

SPECIAL ASSESSMENTS—See Assessment.	
SUPERVISORS—How Chosen.....	33
SUPERINTENDENT OF STREETS—Duties of.....	43
“ “ “ “ Compensation of.....	43
TREASURER—How chosen.....	7
“ Duties of.....	14
“ Duties of.....	87
“ To give Bond.....	14
“ Duties as to Taxes.....	56
“ Salary of.....	61
“ When to pay out Moneys.....	36
“ When to Renew Tax Warrant.....	94
TAXES—When Collected.....	58
“ How to Collect Unpaid Taxes.....	59
“ How to Collect of Delinquents.....	62
“ May be Collected by Suit.....	60
“ Certificate of Sale.....	63
“ Warrant may be Renewed.....	94

INDEX TO ORDINANCES.

Auction Sales.....	108
Assemblages on Street Corners.....	112
Board of Health—Rules of.....	119
Bathing—To Regulate.....	118
Cemeteries and Burial Grounds.....	113
Duties of Officers.....	95
Fires, Prevention of.....	101
Fire Department.....	113
Gas and Water Pipes.....	107
Hawking and Peddling.....	108
Houses of Ill Fame.....	110
Licenses for Circuses and Shows.....	111
Manufactures, Relating to,.....	105
Names of Streets.....	108
Powers of Officers.....	95
Public Pound.....	99
Prevention of Fires.....	101
Promotion of Manufactures.....	105
Plank and Stone Roads.....	105
Prohibit Assemblages on Street Corners.....	112
Prohibit Bathing in Certain Places.....	118
Railroads, Relating to,.....	106
Stone and Plank Roads.....	105
Sidewalk Obstructions.....	113
Sidewalks—Removal of Ice and Snow.....	113

• CITY CLERK'S OFFICE, }
CITY OF KINGSTON. }

This is to certify that I have carefully compared the preceding Charter of the City of Kingston with the original Act, and several Acts of the Legislature of the State of New York amendatory thereof up to and including the session of 1877, together with the general Ordinances passed by the Common Council of said City, and find the same to be correct.

AUG. SCHEPMOES, City Clerk.



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